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Elevating Devices Act

Revised Statutes of Ontario, 1990
Chapter E.8

as amended by:

1993, Chapter 27, Sched.;
1994, Chapter 27, s. 80;
1996, Chapter 19, s. 19;
1999, Chapter 12, Sched. F, s. 24;
2000, Chapter 16, s. 45 (1)

CODIFICATION ADMINISTRATIVE

Loi sur les ascenseurs et appareils de levage

Lois refondues de l'Ontario de 1990
Chapitre E.8

tel qu'il est modifié par :

l'annexe du chap. 27 de 1993;
l'art. 80 du chap. 27 de 1994;
l'art. 19 du chap. 19 de 1996;
l'art. 24 de l'annexe F du chap. 12 de 1999;
le par. 45 (1) du chap. 16 de 2000

and the following Regulations (as amended):

et les règlements suivants (tels qu'ils sont modifiés) :

**Certification and Training of Elevating Device
Mechanics (O. Reg. 155/97)**
General (R.R.O. 1990, Reg. 316)



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CHAPTER E.8

Elevating Devices Act

Definitions

1. (1) In this Act,

“alteration” means an alteration or replacement, removal or addition of any component or part of an elevating device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the elevating device, and “altered” has a corresponding meaning (“modification”, “modifié”)

“attendant” means a person who, as the whole or a part of his or her normal duties,

- (a) operates an elevating device that is equipped with operating devices that are automatically rendered inoperative should an unsafe condition for operation of the elevating device arise, or
- (b) actively engages in or supervises the loading, passage or unloading of persons or freight on an elevating device; (“préposé”)

“contractor” means a person who performs for his or her own benefit or for the benefit of another, with or without compensation, any work with respect to the installation, alteration, repair or maintenance of an elevating device or part thereof but does not include an employee; (“entrepreneur”)

“Deputy Minister” means the Deputy Minister of Consumer and Commercial Relations; (“sous-ministre”)

“design submission” means drawings, specifications, calculation sheets, work test certificates and any other information prescribed by regulation for an elevating device or part thereof submitted to the Ministry for the purpose of registration; (“dossier de projet”)

“Director” means a person appointed as a Director for the purposes of this Act; (“directeur”)

“elevating device” means a non-portable device for hoisting and lowering or moving persons or freight, and includes an elevator, dumbwaiter, escalator, moving walk, device commonly known as a manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift and stairway lift as defined in the regulations; (“appareil de levage”)

CHAPITRE E.8

Loi sur les ascenseurs et appareils de levage

1. (1) Les définitions qui suivent s’appliquent à la présente loi. Définitions

«appareil de levage» Dispositif asservi servant à monter et à descendre ou à déplacer des personnes ou des marchandises et s’entend notamment des ascenseurs, monte-chARGE, monte-plats, escaliers roulants, trottoirs roulants, monte-personnel, télécabines, ascenseurs et monte-chARGE inclinés, monte-matériaux, ascenseurs de scène, plates-formes élévatrices et monte-escaliers au sens des règlements. («elevating device»)

«capacité maximale» Poids prescrit par règlement que la conception et la construction de l’appareil de levage lui permet de supporter en toute sécurité. («maximum capacity»)

«conducteur» Personne qui, dans l’exercice normal de ses fonctions :

- a) manœuvre un appareil de levage muni de dispositifs de manœuvre n’arrêtant pas automatiquement en cas de circonstances rendant son fonctionnement dangereux;
- b) commande directement tous les mouvements de la cabine de l’appareil de levage. («operator»)

«directeur» Personne nommée directeur pour l’application de la présente loi. («Director»)

«dossier de projet» Renseignements prescrits par règlement relativement aux appareils de levage ou d’une partie de ceux-ci, notamment les plans, devis, notes de calcul et certificats d’essai de fonctionnement soumis au ministère aux fins d’enregistrement. («design submission»)

«entrepreneur» Personne qui, pour son propre compte ou pour le compte d’une autre, exécute des travaux reliés à l’installation, la modification, la réparation ou l’entretien d’un appareil de levage ou d’une partie de celui-ci, qu’elle reçoive ou non une rémunération pour ce faire. Sont toutefois exclus les employés. («contractor»)

«ingénieur» Personne membre de l’Ordre des ingénieurs de l’Ontario ou autorisée à exercer la profession d’ingénieur en vertu de la *Loi sur les ingénieurs*. («professional engineer»)

«inspecteur» Inspecteur nommé pour l’application de la présente loi. («inspector»)

“freight” means any substance, article or thing; (“marchandise”)

“inspector” means an inspector appointed for the purposes of this Act; (“inspecteur”)

“major alteration” means a major alteration as defined in the regulations; (“modification majeure”)

“maximum capacity” means the weight that an elevating device is designed and constructed to carry safely as prescribed by the regulations; (“capacité maximale”)

“mechanic” means a person who has a minimum of four years work experience directly related to the work assigned to him or her and who has full knowledge of this Act and the regulations and of the codes applicable to the elevating device upon which he or she is assigned to work; (“mécanicien”)

“Minister” means the Minister of Consumer and Commercial Relations; (“ministre”)

“Ministry” means the Ministry of Consumer and Commercial Relations; (“ministère”)

“operator” means a person who in the normal course of his or her duties,

- (a) operates an elevating device that is equipped with operating devices that are not automatically rendered inoperative upon the arising of a condition rendering the operation of the elevating device unsafe, and
- (b) has direct and full control of any movement of the load-carrying unit of the elevating device; (“conducteur”)

“owner” includes the person in charge of an elevating device as owner, licensee, lessee, agent or otherwise, but does not include an attendant or operator as such; (“propriétaire”)

“professional engineer” means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under the *Professional Engineers Act*; (“ingénieur”)

“regulations” means the regulations made under this Act. (“règlements”) R.S.O. 1990, c. E.8, s. 1; 1993, c. 27, Sched.; 1994, c. 27, s. 80 (1).

(2) Sections 15 to 19 of the *Ministry of Consumer and Commercial Relations Act*, to the extent that they apply to this Act, are enforceable in the same manner and to the same extent as if they had been enacted as provisions in this Act. 1994, c. 27, s. 80 (2).

“marchandise” Toute matière, tout article ou objet. («freight»)

“mécanicien” Personne possédant au moins quatre ans d’expérience dans un travail relié directement aux tâches qui lui sont assignées et qui connaît très bien la présente loi, les règlements et les normes qui régissent l’appareil de levage sur lequel elle doit travailler. («mechanic»)

“ministère” Le ministère de la Consommation et du Commerce. («Ministry»)

“ministre” Le ministre de la Consommation et du Commerce. («Minister»)

“modification” Modification ou remplacement, enlèvement ou ajout de pièces ou de morceaux d’un appareil de levage ayant pour effet de changer sa conception originale ou ses caractéristiques inhérentes de sécurité ou de fonctionnement. Le terme «modifié» a un sens correspondant. («alteration», «altered»)

“modification majeure” Modification majeure au sens des règlements. («major alteration»)

“préposé” Personne qui, de façon exclusive ou occasionnelle dans le cadre de ses fonctions normales :

- a) soit manœuvre un appareil de levage muni de dispositifs de manœuvre arrêtant automatiquement en cas de circonstances rendant son fonctionnement dangereux;
- b) soit est chargée de faire monter, de transporter et de faire descendre des personnes ou des marchandises à bord d’un appareil de levage ou de surveiller ces opérations. («attendant»)

“propriétaire” S’entend en outre de toute personne responsable d’un appareil de levage à titre de propriétaire, titulaire d’un permis, locataire ou mandataire. Sont toutefois exclus les préposés et les conducteurs agissant à ce titre. («owner»)

“règlements” Les règlements pris en application de la présente loi. («regulations»)

“sous-ministre” Le sous-ministre de la Consommation et du Commerce. («Deputy Minister») L.R.O. 1990, chap. E.8, art. 1; 1993, chap. 27, annexe; 1994, chap. 27, par. 80 (1).

(2) Les articles 15 à 19 de la *Loi sur le ministère de la Consommation et du Commerce*, dans la mesure où ils s’appliquent à la présente loi, peuvent être exécutés de la même manière et dans la même mesure que s’ils avaient été adoptés dans le cadre de la présente loi. 1994, chap. 27, par. 80 (2).

2. This Act does not apply to,

- (a) elevating devices in or in connection with private dwelling houses used exclusively by the occupants thereof and their guests unless the owner of the device requests that this Act be applied to it;
- (b) feeding machines or belt, bucket, scoop, roller or similar type of freight conveyor or material handling device;
- (c) a lifting device that is an intermediate part of a fully automatic conveyor or material handling system;
- (d) freight ramps having a means of adjusting the slope of the ramp;
- (e) freight platforms, on which the riding of persons is prohibited, having a rise of two metres or less;
- (f) lubrication hoists or other similar mechanisms;
- (g) piling or stacking machines used within one storey;
- (h) elevating devices that are,
 - (i) installed in or adjacent to a barn, and
 - (ii) used by the proprietor of the barn or a tenant thereof exclusively for their agricultural purposes;
- (i) lifting devices that are,
 - (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism,
 - (ii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway,
 - (iii) in a location inaccessible to the general public, and
 - (iv) controlled by designated trained personnel only;
- (j) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;

2. La présente loi ne s'applique pas :

- a) aux appareils de levage situés dans des maisons d'habitation privées ou qui y sont reliés et qui sont utilisés exclusivement par leurs occupants et leurs invités, à moins que le propriétaire de l'appareil ne demande que la présente loi s'y applique;
- b) aux distributeurs, appareils de manutention ou transporteurs, notamment les transporteurs à courroie, à godets, à augets et à rouleaux;
- c) aux appareils élévateurs qui ne constituent que la partie intermédiaire d'un transporteur automatique ou d'un système de manutention;
- d) aux rampes de chargement munies d'un dispositif permettant d'ajuster le degré d'inclinaison de la rampe;
- e) aux tables élévatrices d'une course maximale de deux mètres sur lesquelles il est interdit de transporter des personnes;
- f) aux ponts de graissage ou autres mécanismes similaires;
- g) aux appareils de mise au stock utilisés sur un seul étage;
- h) aux appareils de levage :
 - (i) installés dans une grange ou jouxtant celle-ci,
 - (ii) utilisés par la personne qui détient le titre ou le locataire de la grange exclusivement à des fins agricoles;
- i) aux appareils élévateurs :
 - (i) dont le chargement ou le déchargement est effectué à chaque extrémité par un appareil installé à demeure, notamment par un transporteur,
 - (ii) qui sont munis d'une barrière ou d'un dispositif de protection empêchant quiconque de s'engager accidentellement dans le puits,
 - (iii) qui sont installés dans un lieu dont l'accès est interdit au public,
 - (iv) qui sont contrôlés exclusivement par du personnel qualifié désigné à cette fin;
- j) aux nacelles d'entretien de façades mues mécaniquement, conçues pour permettre l'accès à l'extérieur ou à l'intérieur d'un édifice ou d'une construction et constituées d'une nacelle de travail suspendue à un chariot automoteur

- (k) automated window cleaning mechanisms;
- (l) dumbwaiters, having a car-floor area less than 0.2 square metres, maximum capacity less than ten kilograms and the sill of every hoistway opening 0.8 metres or more above floor level; and
- (m) any class or subclass of elevating devices exempted by the regulations. R.S.O. 1990, c. E.8, s. 2.

3. REPEALED: 1994, c. 27, s. 80 (3).

Special
inspector

4. The Deputy Minister may authorize the Director to employ the services of a qualified person to inspect any elevating device, in which case and for such purpose only that person shall be deemed to be an inspector. R.S.O. 1990, c. E.8, s. 4.

Right
to examine
person under
oath

5. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection or investigation. R.S.O. 1990, c. E.8, s. 5.

Powers
of inspectors

6. (1) An inspector may, for the purposes of carrying out his or her duties under this Act and the regulations,

- (a) subject to subsection (3), at any time without a warrant, enter in or upon any premises where the inspector has reason to believe that an elevating device is being installed or operated and inspect an elevating device;
- (b) require the production of any licence, drawings, notice, document, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to an elevating device or the handling or use thereof;
- (c) by notice in writing, require an owner of an elevating device to prepare the elevating device or any part thereof for inspection;
- (d) require the owner, attendant, operator, contractor or any user of an elevating device to do or refrain from doing any-

situé sur la terrasse ou à tout autre mécanisme de suspension et de rails ou de pistes de roulement;

- k) aux appareils d'entretien de façades à levage automatique;
- l) aux monte-plats dont la superficie du plancher de la cabine est inférieure à 0,2 mètre carré, la capacité maximale inférieure à dix kilogrammes et dont le jeu entre le seuil du plancher de la cabine et tout seuil de palier est d'au moins 0,8 mètre;
- m) aux catégories ou sous-catégories d'appareils de levage soustraites, par règlement, à l'application de la loi. L.R.O. 1990, chap. E.8, art. 2.

3. ABROGÉ : 1994, chap. 27, par. 80 (3).

4. Le sous-ministre peut autoriser le directeur à recourir aux services d'une personne compétente pour inspecter tout appareil de levage, auquel cas cette personne est réputée un inspecteur, aux fins de l'inspection seulement. L.R.O. 1990, chap. E.8, art. 4.

Inspecteur
spécial

5. Dans le cadre d'une inspection ou d'une enquête faites en vertu de la présente loi, le directeur peut, par avis écrit, exiger la présence de quiconque à la date, à l'heure et à l'endroit précisés dans l'avis et l'interroger sous serment au sujet de toute question relative à l'inspection ou l'enquête. L.R.O. 1990, chap. E.8, art. 5.

Droit
d'interroger
sous serment

6. (1) Dans le cadre de l'accomplissement des fonctions qui lui sont attribuées par la présente loi et les règlements, l'inspecteur peut :

Pouvoirs de
l'inspecteur

- a) sous réserve du paragraphe (3), pénétrer à toute heure et sans mandat dans les lieux où il a des motifs de croire qu'un appareil de levage est en voie d'installation ou en opération et procéder à son inspection;
- b) exiger la production des permis, plans, avis, documents, rapports ou dossiers exigés par la présente loi ou les règlements; les examiner et en tirer des copies; enjoindre à quiconque de lui fournir des renseignements sur toute question relative à un appareil de levage, sa manutention ou son utilisation;
- c) enjoindre par avis écrit au propriétaire de préparer l'appareil de levage ou toute partie de celui-ci pour l'inspection;
- d) enjoindre au propriétaire, préposé, conducteur, entrepreneur ou utilisateur de l'appareil de levage de faire ou de ne

Safety codes	<p>thing the inspector considers necessary during an inspection;</p> <p>(e) be accompanied by any person who has special or expert knowledge of any matter in relation to an elevating device or a part thereof or use thereof;</p> <p>(f) require the owner of an elevating device to conduct, at the owner's expense, such tests as the inspector specifies;</p> <p>(g) alone, or in conjunction with such other person or persons possessing special or expert knowledge or skill as the Director designates, make such examinations, tests, inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with, and for such purpose take or remove any material or part, subject to the owner being notified thereof.</p>	<p>pas faire ce que l'inspecteur juge nécessaire pour la durée de l'inspection;</p> <p>e) s'ajointre des personnes ayant une expertise ou des connaissances spéciales en matière d'appareils de levage ou toute partie de ceux-ci ou d'utilisation de ceux-ci;</p> <p>f) enjoindre au propriétaire de tout appareil de levage de faire, à ses propres frais, les essais qu'il indique;</p> <p>g) faire les essais, examens et enquêtes nécessaires pour s'assurer du respect de la présente loi et des règlements, seul ou conjointement avec les personnes ayant une expertise, des aptitudes ou des connaissances spéciales désignées par le directeur; à cette fin, prendre ou enlever toute pièce ou partie de celle-ci, sous réserve du droit du propriétaire d'en être avisé.</p>
Limit on power to enter	<p>(2) In carrying out his or her duties under this Act, an inspector shall apply such safety codes as are prescribed by this Act and the regulations.</p> <p>(3) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 158 of the <i>Provincial Offences Act</i>. R.S.O. 1990, c. E.8, s. 6.</p>	<p>(2) Au cours de l'exercice de ses fonctions en vertu de la présente loi, l'inspecteur doit appliquer les normes de sécurité prescrites par la présente loi et les règlements.</p> <p>(3) À moins d'être muni d'un mandat de perquisition décerné en vertu de l'article 158 de la <i>Loi sur les infractions provinciales</i>, l'inspecteur ne doit pas pénétrer dans un endroit qui sert de logement lorsque son occupant lui en refuse l'accès. L.R.O. 1990, chap. E.8, art. 6.</p>
Obstructing inspector prohibited	<p>7. (1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations.</p> <p>(2) Every person shall furnish all necessary means in the person's power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of the inspector's powers and duties under this Act and the regulations.</p> <p>(3) No person shall neglect or refuse to produce a licence, drawing, specification, record or report as required by an inspector under clause 6 (1) (b).</p> <p>(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his or her duties under this Act and the regulations. R.S.O. 1990, c. E.8, s. 7.</p>	<p>7. (1) Nul ne doit entraver, ni gêner un inspecteur dans l'exercice des pouvoirs ou des fonctions dont il est investi aux termes de la présente loi et des règlements, ni tenter de le faire.</p> <p>(2) Toute personne doit mettre en œuvre tous les moyens dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête de l'inspecteur effectués dans le cadre des pouvoirs et des fonctions prévus dans la présente loi et les règlements.</p> <p>(3) Nul ne doit négliger ni refuser de produire des permis, plans, devis, dossiers ou rapports requis par l'inspecteur aux termes de l'alinéa 6 (1) b).</p> <p>(4) Nul ne doit fournir de faux renseignements à l'inspecteur ni négliger ou refuser de fournir les renseignements que celui-ci exige dans l'exercice de ses fonctions en vertu de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 7.</p>
Assisting inspector		<p>7. (1) Nul ne doit entraver, ni gêner un inspecteur dans l'exercice des pouvoirs ou des fonctions dont il est investi aux termes de la présente loi et des règlements, ni tenter de le faire.</p> <p>(2) Toute personne doit mettre en œuvre tous les moyens dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête de l'inspecteur effectués dans le cadre des pouvoirs et des fonctions prévus dans la présente loi et les règlements.</p> <p>(3) Nul ne doit négliger ni refuser de produire des permis, plans, devis, dossiers ou rapports requis par l'inspecteur aux termes de l'alinéa 6 (1) b).</p> <p>(4) Nul ne doit fournir de faux renseignements à l'inspecteur ni négliger ou refuser de fournir les renseignements que celui-ci exige dans l'exercice de ses fonctions en vertu de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 7.</p>
Failure to comply		<p>7. (1) Nul ne doit entraver, ni gêner un inspecteur dans l'exercice des pouvoirs ou des fonctions dont il est investi aux termes de la présente loi et des règlements, ni tenter de le faire.</p> <p>(2) Toute personne doit mettre en œuvre tous les moyens dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête de l'inspecteur effectués dans le cadre des pouvoirs et des fonctions prévus dans la présente loi et les règlements.</p> <p>(3) Nul ne doit négliger ni refuser de produire des permis, plans, devis, dossiers ou rapports requis par l'inspecteur aux termes de l'alinéa 6 (1) b).</p> <p>(4) Nul ne doit fournir de faux renseignements à l'inspecteur ni négliger ou refuser de fournir les renseignements que celui-ci exige dans l'exercice de ses fonctions en vertu de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 7.</p>
Providing information		<p>7. (1) Nul ne doit entraver, ni gêner un inspecteur dans l'exercice des pouvoirs ou des fonctions dont il est investi aux termes de la présente loi et des règlements, ni tenter de le faire.</p> <p>(2) Toute personne doit mettre en œuvre tous les moyens dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête de l'inspecteur effectués dans le cadre des pouvoirs et des fonctions prévus dans la présente loi et les règlements.</p> <p>(3) Nul ne doit négliger ni refuser de produire des permis, plans, devis, dossiers ou rapports requis par l'inspecteur aux termes de l'alinéa 6 (1) b).</p> <p>(4) Nul ne doit fournir de faux renseignements à l'inspecteur ni négliger ou refuser de fournir les renseignements que celui-ci exige dans l'exercice de ses fonctions en vertu de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 7.</p>
Disclosure of information	<p>8. (1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes</p>	<p>7. (1) Nul ne doit entraver, ni gêner un inspecteur dans l'exercice des pouvoirs ou des fonctions dont il est investi aux termes de la présente loi et des règlements, ni tenter de le faire.</p> <p>(2) Toute personne doit mettre en œuvre tous les moyens dont elle dispose pour faciliter l'accès, l'inspection, l'examen ou l'enquête de l'inspecteur effectués dans le cadre des pouvoirs et des fonctions prévus dans la présente loi et les règlements.</p> <p>(3) Nul ne doit négliger ni refuser de produire des permis, plans, devis, dossiers ou rapports requis par l'inspecteur aux termes de l'alinéa 6 (1) b).</p> <p>(4) Nul ne doit fournir de faux renseignements à l'inspecteur ni négliger ou refuser de fournir les renseignements que celui-ci exige dans l'exercice de ses fonctions en vertu de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 7.</p>

Idem

of carrying out the inspector's duties under this Act and the regulations.

l'exercice de ses fonctions en vertu de la présente loi et des règlements.

Idem

(2) The Director may communicate or allow to be communicated, disclosed or published information, material, statements or test results acquired, furnished, obtained or made under the powers conferred under this Act and the regulations. R.S.O. 1990, c. E.8, s. 8.

(2) Le directeur peut communiquer ou permettre de communiquer, divulguer ou publier les renseignements, données, déclarations ou résultats d'essais acquis, fournis, obtenus ou faits en vertu des pouvoirs conférés par la présente loi et les règlements. L.R.O. 1990, chap. E.8, art. 8.

Liability of inspector

9. (1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him or her in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

9. (1) Sont irrecevables les actions ou autres instances en dommages-intérêts intentées contre l'inspecteur pour un acte ou une omission fait de bonne foi par ce dernier dans l'exercice ou l'exercice prévu des pouvoirs ou des fonctions prévus par la présente loi ou les règlements.

Responsabilité de l'inspecteur

Liability of Crown

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection (1) had not been enacted. R.S.O. 1990, c. E.8, s. 9.

(2) Malgré les paragraphes 5 (2) et (4) de la *Loi sur les instances introduites contre la Couronne*, le paragraphe (1) ne dégage pas la Couronne de la responsabilité qu'elle serait autrement tenue d'assumer à l'égard d'un délit civil commis par un inspecteur visé au paragraphe (1). L.R.O. 1990, chap. E.8, art. 9.

Responsabilité de la Couronne

Inspection order

10. (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, the inspector may serve the person he or she believes to be the contravenor and that person's supervisor or employer, or any of them, with an order in writing directing compliance with the provision and may require the order to be carried out forthwith or within such time as is specified in the order. R.S.O. 1990, c. E.8, s. 10 (1); 1999, c. 12, Sched. F, s. 24.

10. (1) L'inspecteur qui constate qu'une disposition de la présente loi ou des règlements a été enfreinte peut faire signifier à la personne qu'il croit être le contrevenant, à son surveillant ou employeur, ou à l'un d'eux, un ordre écrit de respecter la disposition; il peut en outre exiger que le destinataire de l'ordre obtempère sans délai ou dans le délai qu'il indique. L.R.O. 1990, chap. E.8, par. 10 (1); 1999, chap. 12, annexe F, art. 24.

Ordre d'inspection

Idem

(2) An order under this section shall contain sufficient information to specify the nature of the contravention.

(2) L'ordre signifié en vertu du présent article doit indiquer avec suffisamment de précision la nature de la contravention.

Idem

Affixing seal

(3) Where in the opinion of an inspector there is a contravention of this Act or the regulations of such a nature as may pose a serious hazard to the safety of any person or property, he or she shall order that the elevating device in respect of which the contravention exists not be operated or used and shall affix a seal thereto.

(3) L'inspecteur qui est d'avis que la contravention à la présente loi ou aux règlements peut constituer un danger sérieux pour la sécurité des biens ou des personnes doit, par ordre, interdire le fonctionnement ou l'utilisation de tout appareil de levage visé par la contravention et y apposer des scellés.

Apposition des scellés

Idem

(4) Where a seal has been affixed to an elevating device under subsection (3), no person shall remove the seal except an inspector or a mechanic authorized by an inspector for the purpose of making the elevating device conform to this Act and the regulations.

(4) Nul ne doit lever les scellés apposés sur l'appareil de levage en vertu du paragraphe (3) sauf l'inspecteur ou le mécanicien qu'il autorise pour rendre l'appareil de levage conforme à la présente loi et aux règlements.

Idem

Appeal of order

(5) Any person aggrieved by an order made under this section may appeal to the Director who shall hear and dispose of the appeal but such an appeal does not affect the operation of the order appealed from pending disposition of the appeal.

(5) La personne qui s'estime lésée par l'ordre donné en vertu du présent article peut en appeler devant le directeur; celui-ci entend et règle l'appel. L'ordre porté en appel demeure cependant exécutoire tant que l'appel n'a pas été réglé.

Appel de l'ordre

Idem	(6) An appeal under subsection (5) need not be made in writing, but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.	(6) Il n'est pas nécessaire que l'appel visé au paragraphe (5) soit formulé par écrit, mais le directeur peut exiger que les moyens d'appel soient précisés par écrit avant d'entendre l'appel.	Idem
Idem	(7) On an appeal under this section, the Director may substitute his or her findings or opinion for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor and the order of the Director shall stand in place of and have the like effect under this Act as the order of the inspector.	(7) Lors d'un appel interjeté en vertu du présent article, le directeur peut substituer ses conclusions ou son opinion à celles de l'inspecteur qui a donné l'ordre contesté, annuler ou confirmer l'ordre ou y substituer un nouvel ordre. L'ordre du directeur remplace alors celui de l'inspecteur et a, aux fins de la présente loi, le même effet.	Idem
Repairs to defective parts	(8) Where an elevating device or part thereof is found, after its installation, to be unsafe or inherently defective, the Director may order such repairs as he or she considers necessary to be made within such time period as is specified in the order. R.S.O. 1990, c. E.8, s. 10 (2-8).	(8) Le directeur peut ordonner la réparation de l'appareil de levage ou toute partie de celui-ci qui, après son installation, se révèle dangereux ou qui comporte un vice de construction et peut ordonner les réparations qu'il estime nécessaires dans le délai que précise l'ordre. L.R.O. 1990, chap. E.8, par. 10 (2) à (8).	Réparation des pièces défectueuses
Drawings and specifications to be registered	11. (1) No person shall commence a new installation or major alteration of an elevating device until a design submission therefor has been registered by the Director.	11. (1) Nul ne doit entreprendre l'installation d'un appareil de levage ni de modifications majeures sur celui-ci avant que le directeur n'ait enregistré le dossier de projet qui y est relatif.	Enregistrement des plans et devis
Idem	(2) Application for registration under subsection (1) shall be in accordance with the requirements prescribed by the regulations.	(2) La demande d'enregistrement visée au paragraphe (1) doit respecter les exigences prescrites par le règlement.	Idem
Idem	(3) The Director may refuse to register a design submission where,	(3) Le directeur peut refuser d'enregistrer un dossier de projet :	Idem
	<ul style="list-style-type: none"> (a) it does not comply with the requirements of this Act and the regulations; (b) it is not sealed by a professional engineer; or (c) it appears that it may result in an elevating device, the operation of which could pose a safety hazard to any person or property. R.S.O. 1990, c. E.8, s. 11. 	<ul style="list-style-type: none"> a) qui ne respecte pas les exigences de la présente loi et des règlements; b) qui ne porte pas le sceau d'un ingénieur; c) qui prévoit la construction d'un appareil de levage dont le fonctionnement peut constituer un danger pour les personnes ou les biens. L.R.O. 1990, chap. E.8, art. 11. 	
Compliance with Act and regulations required	12. No person shall construct, install, alter, repair, maintain or test an elevating device or part thereof except in accordance with this Act and the regulations. R.S.O. 1990, c. E.8, s. 12.	12. Nul ne doit construire, installer, modifier, réparer, entretenir ni mettre à l'essai un appareil de levage ou une partie de celui-ci sauf conformément à la présente loi et aux règlements. L.R.O. 1990, chap. E.8, art. 12.	Conformité à la loi et aux règlements
Contractor to be registered	13. No person shall act as a contractor unless registered as a contractor under this Act and no contractor who is registered under this Act shall offer or provide a service not authorized in the contractor's registration. R.S.O. 1990, c. E.8, s. 13.	13. Nul ne doit agir à titre d'entrepreneur s'il n'a d'abord été inscrit comme entrepreneur aux termes de la présente loi. L'entrepreneur inscrit ne doit offrir et fournir que les services que l'inscription autorise. L.R.O. 1990, chap. E.8, art. 13.	Inscription de l'entrepreneur
Contractor to take precautions	14. A contractor shall take every precaution reasonable in the circumstances to ensure that his, her or its employees comply with this Act and the regulations. R.S.O. 1990, c. E.8, s. 14.	14. L'entrepreneur prend toutes les mesures possibles en la circonstance pour s'assurer que ses employés respectent la présente loi et ses règlements. L.R.O. 1990, chap. E.8, art. 14.	Mesures prises par l'entrepreneur

Operation without inspection prohibited

15. No person shall put into service a newly installed elevating device or an elevating device to which a major alteration has been made until it has been inspected by an inspector and licensed in accordance with this Act and the regulations. R.S.O. 1990, c. E.8, s. 15.

Operation of unsafe device prohibited

16. (1) No person shall operate an elevating device or cause or permit it to be operated if the person has reason to believe that it is in an unsafe condition.

Unsafe operation prohibited

(2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner.

Excessive loads prohibited

(3) No person shall operate or use an elevating device or cause or permit it to be operated or used with a load in excess of its maximum capacity.

Exception to subss. (1-3)

(4) Subsections (1), (2) and (3) do not apply to an inspector, a person authorized by an inspector or a mechanic during the installation, alteration, repair, testing or inspection of an elevating device.

Sealed device

(5) No owner shall use or permit the use of an elevating device to which a seal has been affixed under section 10 until authorized in writing by an inspector. R.S.O. 1990, c. E.8, s. 16.

Safe conduct

17. (1) No person shall behave in or on an elevating device or perform any work on an elevating device in such manner as to,

- (a) impair the safe operation of the elevating device; or
- (b) endanger the person, any other person or freight.

Removing, etc., safety devices prohibited

(2) No person shall remove, displace, interfere with or damage any device installed in or about an elevating device for its safe operation except,

- (a) a person making an inspection under this Act or the regulations; or
- (b) a contractor for the purpose of making a test or repair. R.S.O. 1990, c. E.8, s. 17.

Renting, etc., of elevating device

18. No person shall provide an elevating device or any part thereof for use by another person under any rental, leasing or other arrangement if the elevating device or part thereof is in an unsafe condition or otherwise not in conformance with this Act and the regulations. R.S.O. 1990, c. E.8, s. 18.

Inspection préalable au fonctionnement

15. Nul ne doit mettre en service un appareil de levage qui vient d'être installé ou sur lequel des modifications majeures ont été effectuées tant que celui-ci n'a pas été inspecté par l'inspecteur et qu'un permis n'a pas été délivré à son égard conformément à la présente loi et aux règlements. L.R.O. 1990, chap. E.8, art. 15.

Interdiction de manœuvrer un appareil dangereux

16. (1) Nul ne doit manœuvrer, faire manœuvrer ni laisser manœuvrer un appareil de levage, s'il a des motifs de croire que son fonctionnement présente un danger quelconque.

(2) Nul ne doit manœuvrer, faire manœuvrer ou laisser manœuvrer un appareil de levage de façon imprudente.

(3) Nul ne doit manœuvrer, faire manœuvrer ou laisser manœuvrer ni utiliser, faire utiliser ou laisser utiliser un appareil de levage soumis à une charge qui excède sa capacité maximale.

Surcharge interdite

(4) Les paragraphes (1), (2) et (3) ne s'appliquent pas à l'inspecteur, à la personne autorisée par l'inspecteur ni au mécanicien pendant qu'ils procèdent à l'installation, la modification, la réparation, la mise à l'essai ou l'inspection d'un appareil de levage.

Exceptions aux par. (1) à (3)

(5) Le propriétaire de l'appareil de levage sur lequel des scellés ont été apposés en vertu de l'article 10 ne doit pas l'utiliser ou permettre qu'on l'utilise sans l'autorisation écrite de l'inspecteur. L.R.O. 1990, chap. E.8, art. 16.

Appareil scellé

17. (1) Les personnes qui se trouvent à bord de l'appareil de levage ou qui y exécutent des travaux ne doivent pas se comporter de façon :

- a) à nuire à la sécurité et au fonctionnement de l'appareil de levage;
- b) à mettre leur vie ou celle d'autrui en danger ou à exposer les marchandises au danger.

(2) Nul ne doit enlever, déplacer, obstruer ni endommager les dispositifs posés dans l'appareil de levage ou près de celui-ci dans le but d'assurer sa sécurité et son fonctionnement, sauf :

- a) la personne qui procède à l'inspection prévue par la présente loi ou les règlements;
- b) l'entrepreneur aux fins d'effectuer un essai ou une réparation. L.R.O. 1990, chap. E.8, art. 17.

Interdiction d'enlever les dispositifs de sécurité

18. Nul ne doit permettre l'utilisation d'un appareil de levage ou d'une partie de celui-ci par une autre personne aux termes d'une location, d'un bail ou de toute autre entente, s'il présente un danger ou n'est pas conforme à la présente loi et aux règlements. L.R.O. 1990, chap. E.8, art. 18.

Location des appareils de levage

Licence and compliance required

19. The owner of an elevating device shall not operate it and shall ensure that it is not operated unless,

- it is licensed; and
- it complies with this Act and the regulations. R.S.O. 1990, c. E.8, s. 19.

Where attendant or operator required

20. Where the operation of an elevating device requires that an attendant or operator be present, the owner of the device shall ensure that the attendant or the operator, as the case may be, complies with the requirements of this Act and the regulations. R.S.O. 1990, c. E.8, s. 20.

Licence for an elevating device

21. (1) Subject to subsection (2), the Director shall issue a licence for an elevating device or a renewal thereof to an applicant therefor, subject to such terms and conditions as are prescribed in the regulations and as are agreed to by the applicant or licensee.

Where licence may be refused, revoked, etc.

(2) Subject to section 23, the Director may refuse to grant or to renew a licence for an elevating device, or may suspend or revoke such a licence where,

- the elevating device or the operation thereof does not comply with this Act or the regulations; or
- the holder of the licence has failed to comply with a notice or order of an inspector or is in contravention of this Act or the regulations. R.S.O. 1990, c. E.8, s. 21.

Registration of contractor

22. (1) Subject to subsection (2), the Director shall register a contractor under this Act subject to such terms and conditions as are prescribed in the regulations.

Where registration may be refused, revoked, etc.

(2) The Director may refuse to register or to renew the registration of a contractor or may suspend or revoke the registration of a contractor where,

- the applicant or registrant is in contravention of this Act, the regulations or a term or condition of the registration; or
- there are reasonable grounds to believe that the applicant or registrant is incompetent or lacks basic resources or requisite skills.

Limited registration

(3) Registration under subsection (1) may be limited to those classes of elevating devices that the Director considers the contractor to be

19. Le propriétaire d'un appareil de levage ne doit pas le faire fonctionner et doit veiller à ce qu'il ne fonctionne pas à moins :

- qu'un permis n'ait été délivré;
- que l'appareil de levage ne réponde aux exigences de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 19.

20. Lorsque le fonctionnement de l'appareil de levage exige la présence d'un préposé ou d'un conducteur, le propriétaire doit s'assurer que le préposé ou le conducteur respectent les exigences de la présente loi et des règlements. L.R.O. 1990, chap. E.8, art. 20.

Permis et respect de la loi obligatoire

21. (1) Sous réserve du paragraphe (2), le directeur délivre à la personne qui en fait la demande le permis d'utilisation d'appareil de levage ou le renouvellement de celui-ci, assorti des conditions prescrites par le règlement et de celles acceptées par l'auteur de la demande ou le titulaire du permis.

Permis d'utilisation d'appareil de levage

(2) Sous réserve de l'article 23, le directeur peut refuser d'accorder ou de renouveler un permis d'utilisation d'appareil de levage, le suspendre ou le révoquer :

- si l'appareil de levage ou son fonctionnement ne sont pas conformes à la présente loi ou aux règlements;
- si le titulaire du permis n'a pas respecté un avis ou un ordre de l'inspecteur ou a contrevenu à la présente loi ou aux règlements. L.R.O. 1990, chap. E.8, art. 21.

22. (1) Sous réserve du paragraphe (2), le directeur inscrit l'entrepreneur conformément à la présente loi, sous réserve des conditions prescrites par les règlements.

Inscription de l'entrepreneur

(2) Le directeur peut refuser d'inscrire un entrepreneur ou de renouveler son inscription, suspendre ou révoquer celle-ci :

Refus et révocation de l'inscription

- soit si l'auteur de la demande ou la personne inscrite a contrevenu à la présente loi, aux règlements ou à une des conditions auxquelles son inscription est assujettie;
- soit s'il a des motifs raisonnables de croire que l'auteur de la demande ou la personne inscrite fait preuve d'incompétence ou ne possède pas les ressources élémentaires ou les aptitudes requises.

(3) Le directeur peut limiter l'inscription prévue au paragraphe (1) aux catégories d'appareils de levage pour lesquelles il estime que

Inscription limitée

Notice
of proposal

qualified to service. R.S.O. 1990, c. E.8, s. 22.

23. (1) Where the Director proposes,

- to refuse to grant or to renew a licence or registration;
- to suspend or revoke a licence or registration; or
- to limit a registration,

under section 21 or 22, the Director shall serve notice of the proposal together with written reasons therefor, on the applicant, licence holder or registrant, as the case may be.

Idem

(2) A notice under subsection (1) shall inform the applicant, licence holder or registrant that the person is entitled to a hearing by a judge of the Ontario Court (General Division) if the person applies to a judge thereof within fifteen days after the notice under subsection (1) is served on the person and the person may require such a hearing.

Power
of Director
where no
hearing

(3) Where an applicant, licence holder or registrant does not apply to a judge for a hearing in accordance with subsection (2), the Director may refuse to grant a licence or registration, or may carry out the proposal stated in the notice under subsection (1).

Powers
of judge
where
hearing

(4) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence or registration, or permit the Director to carry out his or her proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his or her opinion for that of the Director.

Service
of notice

(5) The Director may serve notice under subsection (1) personally or by registered mail addressed to the applicant, licence holder or registrant at the address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice or order until a later date.

Extension
of time for
application

(6) A judge to whom application is made by an applicant, licence holder or registrant for a hearing under this section may extend the time for making application, either before or after expiration of the time fixed therein, where he or she is satisfied that there are apparent

l'entrepreneur a la compétence voulue. L.R.O. 1990, chap. E.8, art. 22.

23. (1) Lorsque le directeur a l'intention :

- de ne pas accorder ou renouveler un permis ou une inscription;
- de suspendre ou de révoquer un permis ou une inscription;
- d'apporter des limites à une inscription,

en vertu de l'article 21 ou 22, il signifie un avis écrit motivé de son intention à l'auteur de la demande, au titulaire du permis ou à la personne inscrite.

Avis
d'intention

Idem

(2) L'avis prévu au paragraphe (1) informe l'auteur de la demande, le titulaire du permis ou la personne inscrite de son droit d'être entendu devant un juge de la Cour de l'Ontario (Division générale). L'auteur de la demande, le titulaire du permis ou la personne inscrite peut demander, par voie de requête, une audience en présentant sa requête devant le juge dans les quinze jours suivant le jour où l'avis prévu au paragraphe (1) lui est signifié.

Pouvoir du
directeur en
l'absence
d'audience

(3) Lorsque l'auteur de la demande, le titulaire du permis ou la personne inscrite ne demande pas l'audience prévue au paragraphe (2), le directeur peut refuser d'accorder un permis ou une inscription ou mettre à exécution l'intention formulée dans l'avis donné conformément au paragraphe (1).

Pouvoirs du
juge lors de
l'audience

(4) Le juge peut, sur requête du directeur à l'audience, ordonner à ce dernier d'accorder le permis ou l'inscription, lui permettre de mettre son intention à exécution, ou ordonner que toute autre mesure que le juge estime appropriée soit prise par le directeur conformément à la présente loi et aux règlements. Le juge peut à cette fin substituer son opinion à celle du directeur.

Signification
de l'avis

(5) Le directeur peut signifier l'avis prévu au paragraphe (1) à l'auteur de la demande, au titulaire du permis ou à la personne inscrite, à personne ou par courrier recommandé à sa dernière adresse connue. L'avis signifié par courrier recommandé est réputé avoir été signifié le troisième jour après sa mise à la poste, à moins que le destinataire ne démontre sa bonne foi au juge saisi de sa demande d'audience et ne prouve qu'il a reçu l'avis ou l'ordre à une date ultérieure pour des raisons indépendantes de sa volonté, notamment son absence, un accident ou la maladie.

Prorogation
du délai pour
produire la
requête

(6) Le juge saisi d'une demande d'audience présentée par l'auteur de la demande, le titulaire d'un permis ou la personne inscrite en vertu du présent article peut proroger le délai dans lequel la requête doit être présentée, que ce délai soit déjà expiré ou non, s'il est

grounds for granting relief to the applicant, licence holder or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he or she considers proper consequent upon the extension.

Continuation
pending
renewal

(7) Where, within the time prescribed therefore, or if no time is prescribed, prior to the expiry of a licence or registration, a licence holder or registrant has applied for renewal of the licence or registration and paid the prescribed fee, the licence or registration shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where notice is served that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made a decision. R.S.O. 1990, c. E.8, s. 23.

Parties

24. (1) The Director, the applicant, the licence holder or registrant who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.

Opportunity
to achieve
compliance

(2) Notice of a hearing under section 23 shall afford to the licence holder or registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence or registration.

Examination
of
documentary
evidence

(3) An applicant, licence holder or registrant who is a party to proceedings under section 23 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

Findings
of fact

(4) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. E.8, s. 24.

Appeal to
Divisional
Court

25. (1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Divisional Court.

Minister
entitled
to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

convaincu qu'il existe à première vue des moyens valables d'accorder un redressement réclamé et que la demande de prorogation est fondée sur des motifs raisonnables. Le juge peut en outre donner les directives qu'il estime appropriées en même temps qu'il accorde la prorogation.

(7) Lorsque le titulaire d'un permis ou la personne inscrite a demandé le renouvellement de son permis ou de son inscription et a acquitté les droits prescrits dans le délai prescrit, ou si aucun délai n'est prescrit, avant son expiration, le permis ou l'inscription sont réputés maintenus :

- a) jusqu'au renouvellement;
- b) dans le cas où il reçoit un avis du directeur par lequel ce dernier l'informe de son intention de refuser le renouvellement, jusqu'à l'expiration du délai dans lequel il peut demander, par voie de requête, une audience et, le cas échéant, jusqu'à ce qu'une décision soit rendue par le juge. L.R.O. 1990, chap. E.8, art. 23.

Maintien du
permis ou de
l'inscription

24. (1) Le directeur, l'auteur de la demande, le titulaire d'un permis ou la personne inscrite qui ont demandé, par voie de requête, une audience sont parties à l'instance prévue à l'article 23, de même que les autres personnes que peut désigner le juge.

(2) L'avis d'audience prévu à l'article 23 offre au titulaire du permis ou à la personne inscrite un délai suffisant avant l'audience pour se conformer aux exigences légales relatives à la rétention du permis ou de l'inscription ou pour démontrer qu'il s'y conforme.

Parties à
l'instance

Possibilité de
se conformer

(3) L'auteur de la demande, le titulaire du permis ou la personne inscrite qui est partie à une instance visée à l'article 23 doit avoir l'occasion d'examiner, avant l'audience, la preuve documentaire et les témoignages écrits qui y seront produits, de même que les rapports dont le contenu sera présenté en preuve à l'audience.

Examen
de la preuve
documentaire

(4) Lors d'une audience, le juge fonde ses conclusions de fait uniquement sur la preuve admissible ou sur ce dont il peut prendre connaissance en vertu des articles 15 et 16 de la *Loi sur l'exercice des compétences légales*. L.R.O. 1990, chap. E.8, art. 24.

Conclusions
de fait

25. (1) Les parties à l'instance devant le juge en vertu de l'article 23 peuvent interjeter appel de la décision ou de l'ordonnance du juge devant la Cour divisionnaire.

Appel devant
la Cour
divisionnaire

(2) Le ministre a le droit d'être entendu, notamment par l'intermédiaire d'un avocat, lors de l'audition d'un appel interjeté en vertu du présent article.

Droit du
ministre
d'être
entendu

Powers of court on appeal

(3) The Divisional Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he or she is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. E.8, s. 25.

Interim suspension pending final appeal

26. The Director, by notice to the licence holder or registrant and without a hearing, may provisionally refuse to renew or suspend the holder's licence or registrant's registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence or registration under section 23. R.S.O. 1990, c. E.8, s. 26.

Inspections

27. An elevating device shall be inspected by an inspector at such intervals as may be determined by the Director. R.S.O. 1990, c. E.8, s. 27.

Certificate as evidence

28. A statement as to,

- the registration or non-registration of any person; or
- the licensing or non-licensing of any elevating device,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein for all purposes in any action, proceeding or prosecution. R.S.O. 1990, c. E.8, s. 28.

Reporting accidents

29. (1) Where an accident occurs in connection with an elevating device that results in the death of or serious injury to any person, the owner shall notify the Director by telephone forthwith.

Idem

(2) Where an accident occurs that causes injury to any person or where there has been an incident involving an elevating device that indicates that the elevating device is in a potentially hazardous condition or where there has been a fire involving an elevating device, the owner and the contractor maintaining the elevating device shall notify the Director by telephone within twenty-four hours and shall submit a written report giving full particulars within seven days thereafter.

(3) La Cour divisionnaire, saisie de l'appel, peut confirmer ou annuler la décision contestée et rendre la décision qu'elle juge appropriée aux fins de l'application de la présente loi et des règlements. Elle peut ordonner au directeur de prendre une mesure qu'il est autorisé à prendre en vertu de la présente loi et selon ce que la Cour juge opportun. La Cour peut, à cette fin, substituer son opinion à celle du directeur ou du juge. La Cour peut renvoyer l'affaire devant le juge pour une nouvelle audience, en tout ou en partie, conformément aux directives que la Cour estime appropriées. L.R.O. 1990, chap. E.8, art. 25.

Pouvoirs de la Cour en appel

26. Le directeur peut, par avis motivé remis au titulaire d'un permis ou à la personne inscrite, et sans audience, provisoirement refuser de renouveler ou suspendre un permis ou une inscription lorsqu'il estime que la protection immédiate du public ou d'un particulier l'exige. L'article 23 s'applique de la même façon que s'il s'agissait d'un avis de l'intention de révoquer un permis ou une inscription en vertu de l'article 23. L.R.O. 1990, chap. E.8, art. 26.

Suspension provisoire

27. L'inspecteur inspecte les appareils de levage selon la périodicité que détermine le directeur. L.R.O. 1990, chap. E.8, art. 27.

Inspections

28. Une attestation qui se présente comme étant certifiée par le directeur est, sans qu'il soit nécessaire d'établir la qualité du signataire ou l'authenticité de la signature, recevable en preuve comme preuve, en l'absence de preuve contraire, à tous égards et dans toute action, instance ou poursuite en justice, de l'un ou l'autre des faits suivants qui y sont énoncés :

- l'inscription ou le refus d'inscription;
- la délivrance ou la non-délivrance d'un permis relatif à un appareil de levage.

L.R.O. 1990, chap. E.8, art. 28.

Force probante de l'attestation

29. (1) Le propriétaire de l'appareil de levage prévient sans délai par téléphone le directeur de tout accident relié à l'appareil de levage ayant causé des blessures graves à une personne ou le décès de celle-ci.

Accidents à signaler

(2) Le propriétaire de l'appareil de levage et l'entrepreneur responsable de son entretien informent le directeur par téléphone, dans les vingt-quatre heures de tout accident ayant causé des blessures à une personne, de tout incident révélant que l'appareil de levage présente un danger potentiel ou de tout incendie d'un appareil de levage. Ils présentent en outre au directeur un rapport détaillé dans les sept jours qui suivent.

Idem

Wreckage
not to be
disturbed

(3) Where an accident of the type referred to in subsection (1) occurs, no person, except for the purpose of rescuing a person injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector.

Investigation

(4) On being notified of an accident or incident in accordance with this section, the Director shall cause such investigation to be made as he considers necessary. R.S.O. 1990, c. E.8, s. 29.

Offence

30. (1) Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations;
- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence or registration;
- (d) contravenes or fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than \$100,000.

Idem

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1990, c. E.8, s. 30 (1, 2).

Time limit

(3) No proceeding in respect of an alleged offence under this Act may be commenced after two years following the date on which the facts that gave rise to the alleged offence were discovered. 1996, c. 19, s. 19.

Regulations

31. (1) The Lieutenant Governor in Council may make regulations respecting the construction, installation, operation, maintenance and inspection of elevating devices and, in particular and without limiting the generality of the foregoing, may make regulations,

- (a) designating classes or subclasses of elevating devices, parts thereof and equipment used in connection therewith;
- (b) regulating the use, location, design, construction, installation, operation, removing, alteration, repair, mainten-

(3) Nul ne doit obstruer, déranger, détruire, Débris emporter ou modifier les débris, objets ou articles se trouvant sur les lieux d'un accident comme ceux mentionnés au paragraphe (1) ou qui sont reliés à cet accident, tant que l'inspecteur ne l'a pas autorisé, à moins qu'il ne s'agisse de tenter de secourir un blessé.

(4) Si le directeur a été avisé d'un accident ou d'un incident conformément au présent article, il fait tenir les enquêtes qu'il estime nécessaires. L.R.O. 1990, chap. E.8, art. 29.

30. (1) Quiconque :

- a) enfreint la présente loi ou les règlements ou omet de les respecter;
- b) fait sciemment une fausse déclaration dans l'un des documents requis par la présente loi ou les règlements;
- c) contrevient à une des conditions d'un permis ou d'une inscription ou omet de les respecter;
- d) contrevient à un ordre ou à une directive d'un inspecteur ou omet de s'y conformer,

est coupable d'une infraction et possible, sur déclaration de culpabilité, d'une amende d'au plus 25 000 \$ et d'un emprisonnement d'au plus un an, ou d'une seule de ces peines, ou, s'il s'agit d'une personne morale, est possible d'une amende d'au plus 100 000 \$.

(2) Toute contravention à la présente loi ou aux règlements, de même qu'aux avis donnés ou aux ordonnances rendues en vertu de ceux-ci qui se prolonge au-delà d'une journée est réputée constituer une infraction distincte pour chaque jour. L.R.O. 1990, chap. E.8, par. 30 (1) et (2).

(3) Aucune instance ne peut être introduite à l'égard d'une prétendue infraction à la présente loi plus de deux ans à compter de la date à laquelle il a été pris connaissance des faits sur lesquels la prétendue infraction est fondée. 1996, chap. 19, art. 19.

31. (1) Le lieutenant-gouverneur en conseil peut prendre des règlements pour traiter de la construction, de l'installation, du fonctionnement, de l'entretien et de l'inspection des appareils de levage, et peut notamment, par règlement :

- a) désigner des catégories ou sous-catégories d'appareils de levage, de leurs parties et de matériel utilisé relativement à ceux-ci;
- b) réglementer l'utilisation, l'emplacement, la conception, la construction, l'installation, le fonctionnement, l'enlè-

ance service, testing and inspection of elevating devices, parts thereof and equipment used in conjunction therewith;

- (c) requiring and prescribing qualifications, training and experience for persons who are attendants, operators or mechanics, or who may perform any work on or in conjunction with, an elevating device or parts thereof, and prescribing their duties and responsibilities;
- (d) prescribing requirements as to the form and content of a design submission under this Act, the application for registration thereof and the fees to be paid upon submission;
- (e) governing the conduct of persons in or about elevating devices;
- (f) respecting the term, issue and renewal of licences and registrations, the transfer of licences and prescribing the fees therefor;
- (g) prescribing responsibilities and obligations of licensees or owners;
- (h) prescribing terms and conditions to which the registration of a contractor is subject;
-
- (k) providing for and requiring the keeping of records, log books, drawings, instructions and specifications on, and in conjunction with, the design, construction, installation, repair, maintenance, alteration and use of an elevating device or part thereof;
- (l) requiring and prescribing the form and location of notices and markings that are to be kept in or about elevating devices;
- (m) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid;
- (n) prescribing the fees to be paid for copies of any official document issued by the Ministry;
- (o) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons

vement, la modification, la réparation, l'entretien, la mise à l'essai et l'inspection des appareils de levage, de leurs parties et du matériel utilisé relativement à ceux-ci;

- c) exiger et prescrire les compétences, la formation et l'expérience requises des préposés, conducteurs, mécaniciens ou autres personnes qui exécutent un travail sur l'appareil de levage ou des parties de celui-ci ou qui s'y rattache et prescrire leurs fonctions et leurs responsabilités;
- d) prescrire les exigences relatives à la forme et au contenu du dossier de projet prévu à la présente loi, à la demande d'enregistrement et aux droits à acquitter lors de sa présentation;
- e) régir la conduite des personnes se trouvant à l'intérieur ou alentour des appareils de levage;
- f) régir la durée, la délivrance et le renouvellement des permis et inscriptions, la cession des permis et prescrire le montant des droits à acquitter;
- g) prescrire les responsabilités et obligations des titulaires de permis ou des propriétaires;
- h) prescrire les conditions de l'inscription des entrepreneurs;
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- k) prévoir et exiger la tenue des dossiers, journaux de travail, plans, instructions et devis relatifs à la conception, la construction, l'installation, la réparation, l'entretien, la modification et l'utilisation des appareils de levage ou de leurs parties;
- l) exiger et prescrire la forme et l'emplacement des avis et étiquettes devant être affichés à l'intérieur ou alentour des appareils de levage;
- m) créer des catégories d'inspections, prescrire les droits à acquitter pour les inspections ou mises à l'essai auxquelles assistent les inspecteurs et prescrire les personnes qui doivent acquitter les droits;
- n) prescrire le montant des droits à acquitter pour les copies des documents officiels délivrés par le ministère;
- o) prescrire les circonstances donnant lieu au paiement de frais ou de droits spéciaux ou des deux; prescrire les droits spéciaux et désigner les personnes qui

by whom such expenses or fees, or both, are to be paid;

(p) exempting any person or any class of persons, and any elevating device or part thereof or any class or subclass of them, from compliance with this Act and the regulations or any of the provisions thereof. R.S.O. 1990, c. E.8, s. 31 (1); 1994, c. 27, s. 80 (4).

Idem

(2) Any regulation may be made with respect to elevating devices or with respect to any one or more of such class of mechanism or with respect to any one or more subclasses thereof. R.S.O. 1990, c. E.8, s. 31 (2).

(3) REPEALED: 1994, c. 27, s. 80 (4).

Definitions

(4) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. R.S.O. 1990, c. E.8, s. 31 (4).

(5), (6) REPEALED: 1994, c. 27, s. 80 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, this Act is repealed by the Statutes of Ontario, 2000, chapter 16, subsection 45 (1). See: 2000, c. 16, ss. 45 (1), 47.

Note: Despite the repeal of this Act by the Statutes of Ontario, 2000, chapter 16, subsection 45 (1), the regulations made under this Act continue in effect until they are revoked and replaced by regulations or Minister's orders made under the *Technical Standards and Safety Act, 2000*; a designation made under the *Ministry of Consumer and Commercial Relations Act* and a licence, certificate, approval, identification, registration or permit granted under this Act that are in effect on the day the *Technical Standards and Safety Act, 2000* comes into force continue to be in effect until they expire or are earlier revoked; and every director, inspector, chief officer or chief inspector appointed under this Act or section 16 of the *Ministry of Consumer and Commercial Relations Act* who are in office on the day the *Technical Standards and Safety Act, 2000* comes into force continue in office until the appointment expires or is earlier revoked. See: 2000, c. 16, ss. 45 (3), 47.

douivent payer les frais ou les droits, ou les deux;

p) soustraire une personne ou une catégorie de personnes et un appareil de levage ou une partie d'un appareil de levage ou une catégorie ou sous-catégorie de ceux-ci aux dispositions de la présente loi et des règlements. L.R.O. 1990, chap. E.8, par. 31 (1); 1994, chap. 27, par. 80 (4).

(2) Les appareils de levage ou les catégories ou sous-catégories de mécanismes peuvent faire l'objet d'un règlement. L.R.O. 1990, chap. E.8, par. 31 (2).

(3) ABROGÉ : 1994, chap. 27, par. 80 (4).

(4) Les mots ou expressions utilisés dans la présente loi ou dans les règlements peuvent être définis dans les règlements pour l'application de ces derniers. L.R.O. 1990, chap. E.8, par. 31 (4).

(5) et (6) ABROGÉS : 1994, chap. 27, par. 80 (4).

Remarque : Le jour que le lieutenant-gouverneur fixe par proclamation, la présente loi est abrogée par le paragraphe 45 (1) du chapitre 16 des Lois de l'Ontario de 2000. Voir : 2000, chap. 16, par. 45 (1) et art. 47.

Remarque : Malgré l'abrogation de la présente loi par le paragraphe 45 (1) du chapitre 16 des Lois de l'Ontario de 2000, les règlements pris en application de la présente loi restent en vigueur jusqu'à ce qu'ils soient abrogés et remplacés par des règlements ou des arrêtés du ministre pris en application de la *Loi de 2000 sur les normes techniques et la sécurité*; une désignation faite sous le régime de la *Loi sur le ministère de la Consommation et du Commerce* et une licence, un permis, un certificat, une approbation, une pièce d'identité, un enregistrement ou une inscription délivrés en vertu de la présente loi qui ont plein effet le jour de l'entrée en vigueur de la *Loi de 2000 sur les normes techniques et la sécurité* continuent d'avoir plein effet jusqu'à leur date d'expiration ou leur annulation; et les directeurs, inspecteurs, agents en chef ou inspecteurs en chef nommés sous le régime de la présente loi ou de l'article 16 de la *Loi sur le ministère de la Consommation et du Commerce* qui exercent leurs fonctions le jour de l'entrée en vigueur de la *Loi de 2000 sur les normes techniques et la sécurité* continuent d'exercer leurs fonctions jusqu'à l'expiration ou l'annulation de leur mandat. Voir : 2000, chap. 16, par. 45 (3) et art. 47.

Interpré-tation

Elevating Devices Act

Loi sur les ascenseurs et appareils de levage

ONTARIO REGULATION 155/97

No Amendments

CERTIFICATION AND TRAINING OF ELEVATING DEVICE MECHANICS

1. (1) A person who wishes to work as a mechanic under the Act is required to obtain a certificate designating the person as one or more of the following:

1. An elevating device mechanic, class A (an "EDM-A certificate").
2. An elevating device mechanic, class B (an "EDM-B certificate").
3. An elevating device mechanic, class C (an "EDM-C certificate").
4. An elevating device mechanic, class D (an "EDM-D certificate").
5. An elevating device mechanic, class E (an "EDM-E certificate").
6. An elevating device mechanic, class F (an "EDM-F certificate").

(2) A person may apply to the Director to obtain a certificate under subsection (1) or to add one or more classes of certificate to his or her initial certificate.

(3) An application for a certificate or an additional class of certificate must be accompanied by a \$50 application fee.

(4) An application must include documents, in a format acceptable to the Director, that attest to the fact that the applicant has the necessary practical skills and experience for the certificate being sought. O. Reg. 155/97, s. 1.

2. (1) An application to renew a certificate must be made to the Director and must be accompanied by a \$50 renewal fee.

(2) An application for renewal must include a completed declaration of work experience, in a format acceptable to the Director, indicating that the applicant worked within the scope of the certificate while it was in effect.

(3) An application for renewal may be made before the applicant's certificate expires.

(4) If a mechanic fails to renew his or her certificate before it expires, the mechanic must not work as a mechanic after the date of expiry of the certificate but may apply to the Director for a renewal.

(5) If a mechanic applies for a renewal of a certificate under subsection (4), the Director may renew it if,

(a) the mechanic's application is made within 12 months of the expiry date shown on the certificate;

(b) the applicant pays the fee referred to in subsection (1); and

(c) the applicant complies with subsection (2).

(6) If a mechanic applies for a renewal of a certificate under subsection (4) more than 12 months after the expiry date shown on the

expired certificate, the application shall be treated as a new application for a certificate under section 1, and the applicant must,

(a) take a written examination conducted or approved by the Director with respect to the subject matter of the class of certificate applied for; and

(b) include in the application a completed declaration of work experience in a format acceptable to the Director. O. Reg. 155/97, s. 2.

3. (1) An applicant for a certificate must have successfully completed a program approved by the Director that is delivered by a training organization approved by the Director for each class of certificate sought by the applicant.

(2) An applicant must have successfully completed an examination or a series of examinations, conducted or approved by the Director, demonstrating that the applicant possesses the necessary knowledge and competence for each class of certificate sought by the applicant.

(3) If the applicant fails the examination or series of examinations on three successive attempts, the applicant must successfully complete the program described in subsection (1) after making the unsuccessful attempts and before taking the examination or series of examinations again, and subsection (5) does not apply.

(4) If the applicant fails the examination or series of examinations for a class of certificate, he or she is not entitled to take the examination or series of examinations for the class of certificate until,

(a) he or she makes a new application for the class of certificate; and

(b) six months have passed since the applicant took the examination or series of examinations.

(5) An applicant is not required to comply with subsections (1) and (2) if the Director is satisfied that the applicant possesses the necessary knowledge and competence with respect to each class of certificate sought by the applicant. O. Reg. 155/97, s. 3.

TERMS OF CERTIFICATE

4. A certificate is not transferable. O. Reg. 155/97, s. 4.

5. (1) A certificate expires on the second anniversary of the holder's date of birth after it is issued.

(2) If a class of certificate is added to a certificate after the certificate is issued, the expiry date of the initial certificate does not change.

(3) A certificate that is renewed expires two years after the date on which the previous certificate expires.

(4) The Director may, at any time, revoke any certificate or class of certificate held by a holder if the Director is of the opinion that the holder is not qualified to work competently within the scope of the certificate or class of certificate because the holder no longer meets the qualifications for the certificate or class of certificate.

(5) If the Director revokes a certificate under subsection (4), the holder whose certificate is revoked shall surrender it immediately on demand and shall not work as a mechanic within the scope of the certificate that has been revoked.

(6) If the Director revokes a certificate or class of certificate under subsection (4), sections 23, 24 and 25 of the Act apply, with necessary

modifications, to the mechanic as if the mechanic were a licence holder or a registrant with respect to whom the Director serves a notice of proposal under subsection 23 (1) of the Act. O. Reg. 155/97, s. 5.

6. A person who holds a certificate shall notify the Director within six days after any change in his or her address. O. Reg. 155/97, s. 6.

SCOPE OF CERTIFICATE

7. (1) A person who holds an EDM-A certificate may, without supervision, construct, install, alter, repair, service, maintain or test any class of elevating device referred to in section 2 of Regulation 316 of the Revised Regulations of Ontario, 1990, except that of passenger ropeways, and the equipment and accessories essential to their operation if the person has documented experience on that class of device.

(2) A holder of an EDM-A certificate who does not have documented experience on a class of device shall not perform the functions referred to in subsection (1) without supervision by the holder of an EDM-A certificate who has such experience on the class of device. O. Reg. 155/97, s. 7.

8. (1) A person who holds an EDM-B certificate may, without supervision, construct, install, alter, repair, maintain or test construction hoists, as referred to in paragraph 9 of section 2 of Regulation 316 of the Revised Regulations of Ontario, 1990, and the equipment and accessories essential to their operation if the person has documented experience on construction hoists.

(2) A holder of an EDM-B certificate who does not have documented experience on construction hoists shall not perform the functions referred to in subsection (1) without supervision by the holder of an EDM-B certificate who has such experience. O. Reg. 155/97, s. 8.

9. (1) A person who holds an EDM-C certificate may, without supervision, repair, service and maintain the same classes of elevating device as the holder of an EDM-A certificate and the equipment and accessories essential to their operation if,

- (a) the person has documented experience on those classes of device; and
- (b) the elevating devices on which the person performs the functions are owned and operated by the person's employer.

(2) A holder of an EDM-C certificate who does not have documented experience on a class of device shall not perform the functions referred to in subsection (1) without supervision. O. Reg. 155/97, s. 9.

10. A person who holds an EDM-D certificate may, without supervision, renovate the interior of an elevating device cab and, in so doing, may carry out electrical work with respect to lighting in the cab but may not do anything with respect to control circuitry or carry out any other type of electrical work. O. Reg. 155/97, s. 10.

11. A person who holds an EDM-E certificate may, without supervision, construct, install, service and maintain elevating devices for the handicapped referred to in paragraph 6 of Regulation 316 of the Revised Regulations of Ontario, 1990, with the exception of vertical platform lifts-Type C. O. Reg. 155/97, s. 11.

12. A person who holds an EDM-F certificate may, without supervision, examine and test any class of elevating device, except that of passenger ropeways, but may not perform physical tests on an elevating device except under the supervision of a holder of an EDM-A certificate. O. Reg. 155/97, s. 12.

EXEMPTION

13. Employees of an owner who is only registered as a contractor under the Act for the purpose of allowing those employees to perform rescue operations are exempt from this Regulation if the owner,

- (a) designates only those employees trained by a registered contractor to safely perform rescue operations on devices owned and operated by the owner and located on the owner's premises;
- (b) develops written operating procedures for rescue operations in conjunction with the registered contractor;
- (c) maintains an up-to-date list of all employees trained in rescue operations to the standards established by the registered contractor, indicating the dates of initial and subsequent training;
- (d) provides the Director with the procedures and training lists referred to in clauses (b) and (c) on request. O. Reg. 155/97, s. 13.

TRANSITION

14. (1) A person who was a mechanic immediately before the coming into force of this Regulation and who applies for a temporary initial certificate within six months of that date may continue to perform the type of work he or she was authorized to perform under the Act immediately before that date.

(2) A mechanic who applies for a temporary initial certificate shall be issued such a certificate if the mechanic indicates in the application the class of certificate applied for, as set out in section 1, and includes with the application statements from the mechanic's employer or from a contractor certifying that the mechanic had, on the date this Regulation comes into force, a minimum of four years work experience in the type of work that is authorized under the class of certificate applied for.

(3) A mechanic who holds a temporary initial certificate must complete a safety training workshop and submit proof of successful completion of the workshop within 18 months of the date this Regulation comes into force, failing which the certificate expires automatically.

(4) If it does not expire earlier for failure to meet the requirement set out in subsection (3) or because the mechanic has been issued a certificate under this Regulation, a temporary initial certificate expires three years after the date this Regulation comes into force and may not be renewed.

(5) A mechanic who holds a temporary interim certificate under this section and who applies for a certificate referred to in section 1 shall be issued the certificate applied for if the requirements of this Regulation are met. O. Reg. 155/97, s. 14.

Elevating Devices Act

Loi sur les ascenseurs et appareils de levage

REGULATION 316

Amended to O. Reg. 542/96

GENERAL

PART I GENERAL

1. (1) In this Regulation,

“bar lift” means a passenger ropeway that pulls passengers by means of devices propelled by an overhead circulating hauling rope where the passengers remain in contact with the ground or snow surface;

“chair lift” means a passenger ropeway where passengers are carried on chairs;

- (a) attached to and suspended from a circulating wire rope, or
- (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;

“construction hoist” means a temporarily installed elevating device equipped with a car or platform that moves vertically in guides, and that is used for hoisting and lowering materials or workers or both, in connection with the construction, alteration, maintenance or demolition of a building or structure;

“counter-balanced type manlift” means a manlift equipped with a passenger-carrying unit in the form of a car, the motion of which is obtained by means of the application of hand energy or gravity;

“dumbwaiter” means an elevating device equipped with a car that moves vertically in guides and is used exclusively for lifting or lowering freight between two or more floors of a building or structure and that has a maximum capacity of 225 kilograms, a maximum floor area of 0.85 square metres and a maximum inside height of 1.25 metres;

“elevating device for the handicapped” means an elevating device specifically designed to be used by a person with a physical handicap travelling between fixed points of a building or structure where the elevating device is restricted as to access, speed, travel and type of operating devices;

“elevator” means an elevating device equipped with a car that moves vertically in guides and that serves two or more floors of a building or structure;

“endless belt type manlift” means a manlift equipped with one or more passenger-carrying units in the form of steps and handholds attached to a power driven endless belt;

“escalator” means an elevating device in the form of a power-driven, inclined continuous stairway used for raising or lowering persons;

“existing” when used in reference to an elevating device or part thereof means any elevating device or part thereof for which a design submission was approved or installation of which was completed before the 1st day of May, 1981;

“fibre rope tow” means a rope tow having a natural or synthetic fibre hauling rope;

“freight elevator” means an elevator used primarily for carrying freight and on which only an attendant and freight handler are permitted to ride;

“freight elevator—E” means a freight elevator upon which employees of the owner of the elevator are permitted to ride as passengers;

“freight platform lift” means an elevating device that is restricted as to use, location, access, speed, travel and type of operating devices and that is equipped with a platform that moves vertically;

“freight platform lift—Type A” means a freight platform lift restricted to the carriage of freight only;

“freight platform lift—Type B” means a freight platform lift restricted to the carriage of freight and on which an attendant or freight handler may ride;

“funicular railway” means an incline lift in the form of a railway where the ascending car and the descending car, connected by a driven rope, counter-balance each other;

“gondola lift” means a passenger ropeway where passengers are carried in enclosed gondola cars,

- (a) attached to and suspended from a circulating wire rope, or
- (b) attached to a circulating wire rope and supported by a standing wire rope or other overhead structure;

“hand-power dumbwaiter” means a dumbwaiter utilizing manual energy or gravity to move the car;

“hand-power freight elevator” means an elevator that utilizes manual energy or gravity to move the car and that is used for carrying freight only;

“incline lift” means an elevating device equipped with a car or platform that moves at an angle other than vertical and serves two or more permanent levels but does not include a stair platform lift;

“licence” means a licence issued under the Act;

“maintenance” means regularly scheduled or other action taken to ensure that an elevating device is and will remain in safe operating condition and “maintain” has a corresponding meaning;

“major alteration” means an alteration that results in a substantial change to the original design, inherent safety or operational characteristics of an elevating device and without limiting the generality of the foregoing includes,

- (a) an increase by more than 10 per cent in,
 - (i) the rated speed of the load-carrying unit,
 - (ii) the maximum capacity, or
 - (iii) the dead-weight of the machine, load-carrying unit or counter-weight,
- (b) except for construction hoists, an increase or decrease in the distance of the travel of the load-carrying unit,
- (c) a change in,
 - (i) the method or type of operation,

- (ii) the method or type of control,
- (iii) the type or size of guide rails or other guiding means for the load-carrying unit or counter-weight,
- (iv) the type of safety device or other safety stopping device for the load-carrying unit or counter-weight,
- (v) the power supply to the machine,
- (vi) the type of the driving machine or brake,
- (vii) the location of the elevating device, machine, load-carrying unit or counter-weight, or
- (viii) the working pressure of a hydraulic system by more than 10 per cent,
- (d) changes that would result in a reclassification of the elevating device,
- (e) the addition of a car or hoistway entrance to the elevating device;

“manlift” means an elevating device commonly known as a “manlift” that moves vertically in guides and serves two or more floors of a building or structure and that is equipped with a passenger-carrying unit the use of which is restricted;

“material construction hoist” means a construction hoist restricted to the carriage of materials, where workers may enter the car or platform for the purpose of loading or unloading only;

“minor alteration” means an alteration that results in a minor change to the original design, inherent safety or operational characteristics of an elevating device and without limiting the generality of the foregoing includes,

- (a) a change in the size or number of hoisting, hauling, counter-weight, overspeed governor or compensating ropes,
- (b) the addition of,
 - (i) a safety device or any other safety stopping device for the load-carrying unit or counterweight,
 - (ii) special emergency service, emergency recall, in-car emergency service, firefighter’s elevator designations or any similar special service,
- (c) the replacement of any of the following components with components differing from the original in design or manufacture, but without any change in overall technical, operation or safety characteristics of the elevating device:
 1. A safety device or any other safety stopping device for the load-carrying unit or counterweight.
 2. A device which actuates the device referred to in paragraph 1.
 3. A supporting structure or foundation.
 4. A driving machine or brake.
 5. A hydraulic cylinder or plunger.
 6. The tower switches of a passenger ropeway,

- (d) the addition of,
 - (i) a hoistway door locking device,
 - (ii) car door or gate electric contacts,
 - (iii) hoistway inspection switches,
 - (iv) a top of car operating device,
 - (v) a hoistway door or car door or gate operating device,
 - (vi) car levelling or truck zoning devices,
- (e) a major rebuilding or replacement of any of the following components with components differing from original design or manufacture, but without any change in the inherent safety or operational characteristics of the elevating device:
 1. Controller.
 2. Hoistway doors.
 3. Door or gate locking devices,
- (f) any replacement, other than a replacement that differs from the original in design or manufacture or rebuilding of,
 - (i) a safety device or other safety stopping device for the load-carrying unit or counterweight,
 - (ii) a device that actuates a device referred to in subclause (i),
 - (iii) a worm or gear of a driving machine,
 - (iv) a hydraulic cylinder or plunger,
- (g) any replacement or readjustment of a component previously sealed by an inspector in accordance with section 33,
- (h) any increase or decrease in the distance of travel of the load-carrying unit of a worker’s rail-guided or material construction hoist;

“minor alteration—Type A” means a minor alteration of a type referred to in clause (a), (b) or (c) of the definition of “minor alteration”;

“minor alteration—Type B” means a minor alteration of a type referred to in clause (d), (e), (f), (g) or (h) of the definition of “minor alteration”;

“moving walk” means an elevating device that moves passengers on an uninterrupted load-carrying surface that remains parallel to its direction of motion;

“new”, when referring to an elevating device or part thereof, means any elevating device or part thereof, for which a design submission is registered or the installation of which is completed on or after the 1st day of May, 1981;

“observation elevator” means a passenger elevator designed to permit exterior viewing by passengers while riding in the car;

“passenger elevator” means an elevator used primarily for carrying persons;

“passenger ropeway” means an elevating device used to transport persons;

“power type manlift” means a manlift equipped with a passenger-carrying unit in the form of a car, the motion of which is obtained by means of the application of energy other than by hand or gravity;

“reversible ropeway” means a passenger ropeway where passengers are carried in one or more cars fixed to a hauling rope that is independent of a track rope, and where the cars reciprocate between terminals;

“ropetow” means a passenger ropeway where persons grasp a circulating hauling rope or a handle or similar device attached to the rope and are propelled by the tow while remaining in contact with the ground or snow surface;

“sidewalk elevator” means a freight elevator that operates between a sidewalk or other area exterior to a building and floor levels inside the building that are below the sidewalk or other area exterior to the building and that has no landing opening into the building at its upper limit of travel;

“stage lift” means an elevating device used for lifting or lowering persons or freight in or about a stage or orchestra pit;

“stairchair lift” means an elevating device for the handicapped that is equipped with a passenger-carrying unit in the form of one or two attached chairs that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45 degrees;

“stair platform lift” means an elevating device for the handicapped that is equipped with a platform that moves substantially in the direction of a flight of stairs or ramp at a mean angle of not more than 45 degrees;

“stair platform lift—Type C” means a stair platform lift where the runway is guarded so as to physically prevent access to it;

“stair platform lift—Type D” means a stair platform lift where the runway is not guarded so as to physically prevent access to it;

“standard design submission” means a design submission for a type of elevating device that is intended to be installed in more than one location and that may incorporate the use of alternative interchangeable components but does not include information relating to the location of individual installations;

“temporary elevator” means a passenger or freight elevator in a building under construction that is used for carrying workers or materials or both prior to the completion of the building;

“vertical platform lift” means an elevating device for the handicapped equipped with a platform that moves vertically;

“vertical platform lift—Type C” means a vertical platform lift having a fully enclosed runway;

“vertical platform lift—Type D” means a vertical platform lift having a partially enclosed or unenclosed runway;

“wire rope tow” means a rope tow having a metallic hauling rope;

“workers’ rail-guided construction hoist” means a construction hoist used for carrying workers and materials where the load-carrying unit is guided by rails;

“workers’ rope-guided construction hoist” means a construction hoist used for carrying workers and materials where the load-carrying unit is guided by ropes.

(2) For the purposes of subsection (1), elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construc-

tion hoist, stage lift, freight platform lift, stair platform lift, vertical platform lift and stair chair lift include the machine room, hoistway and hoistway enclosure, supporting structure, terminals and runway, as the case may be, that is provided in conjunction therewith. R.R.O. 1990, Reg. 316, s. 1.

2. The following classes of elevating devices are designated:

1. Elevators, being,

i. freight elevators,

ii. freight elevators—E,

iii. hand-power freight elevators,

iv. observation elevators,

v. passenger elevators,

vi. sidewalk elevator, and

vii. temporary elevators.

2. Dumbwaiters, being,

i. dumbwaiters, other than hand-power dumbwaiters, and

ii. hand-power dumbwaiters.

3. Escalators.

4. Moving walks.

5. Freight platform lifts, being,

i. freight platform lifts—Type A, and

ii. freight platform lifts—Type B.

6. Elevating devices for the handicapped, being,

i. stairchair lifts,

ii. stair platform lifts—Type C,

iii. stair platform lifts—Type D,

iv. vertical platform lifts—Type C, and

v. vertical platform lifts—Type D.

7. Manlifts, being,

i. counter-balanced type manlifts,

ii. endless belt type manlifts, and

iii. power type manlifts.

8. Passenger ropeways, being,

i. bar lifts,

ii. chair lifts,

iii. fibre rope tows,

iv. gondola lifts,

- v. reversible ropeways, and
- vi. wire rope tows.

9. Construction hoists, being,

- i. material construction hoists,
- ii. workers' rail-guided construction hoists, and
- iii. workers' rope-guided construction hoists.

10. Incline lifts, being,

- i. inclined elevators,
- ii. inclined dumbwaiters,
- iii. inclined manlifts,
- iv. inclined construction hoists,
- v. inclined freight platform lifts, and
- vi. funicular railways.

11. Stage lifts. R.R.O. 1990, Reg. 316, s. 2.

3. (1) Except where otherwise indicated, this Regulation applies to all existing and new elevating devices and parts thereof.

(2) Despite subsection (1), in the case of an existing elevating device, the application of the codes adopted in this Regulation are restricted to those sections respecting the inspection, testing, maintenance and use of the elevating device.

(3) Where a code referred to in this Regulation is inconsistent with the Act or this Regulation, the Act or this Regulation shall prevail. R.R.O. 1990, Reg. 316, s. 3.

4. (1) Except where otherwise required by this Regulation, an existing elevating device and parts thereof shall, with respect to its design, construction, controls and other characteristics determining its technical and operating features either,

- (a) conform to the rules and codes applicable at the time of its installation or initial licensing; or
- (b) conform to the requirements of the codes adopted in this Regulation.

(2) Where an alteration is made to an existing elevating device, the alteration shall conform to the requirements of this Regulation.

(3) Where a standard design submission was registered under a predecessor to this Regulation and it is proposed to install a new elevating device in accordance with that standard design submission, the standard design submission shall be updated to conform with the requirements of this Regulation. R.R.O. 1990, Reg. 316, s. 4.

5. Where a new elevating device or part thereof is not specifically covered by a code adopted in this Regulation, it shall be so constructed as to comply with,

- (a) such codes or other technical rules as are authorized by the Director under subsection 31 (6) of the Act; or
- (b) where there are no codes or rules authorized to cover the particular situation, general engineering practice normally applied to

elevating devices on the basis of the adopted codes. R.R.O. 1990, Reg. 316, s. 5.

6. A freight platform lift—Type B having a rise of two metres or less and operating between a loading dock and the bed of a vehicle used to transport goods is exempt from the Act and regulations. R.R.O. 1990, Reg. 316, s. 6.

DESIGN SUBMISSION

7. (1) A design submission for an elevating device shall be on a form supplied by the Ministry and shall include the specifications prescribed in subsection (3), the drawings prescribed in subsection (4) and any other calculation sheets and work test certificates necessary to indicate compliance with the Act and this Regulation.

(2) A design submission for an alteration of an elevating device may be limited to the scope of the alteration and shall relate the alteration to the previously registered design submission for the elevating device.

(3) A specification shall,

- (a) set out the address of the premises where the elevating device is to be installed;
- (b) set out the designation, maximum capacity and rated speed of the elevating device;
- (c) contain data necessary to demonstrate that the elevating device conforms to the requirements of the Act and this Regulation, and the data may be limited to the characteristics and features of an elevating device that are not specific to and that are not required by an applicable code for all installations of a particular class of elevating device;
- (d) clearly delineate any proposed variance from the applicable codes adopted by this Regulation and outline the reason for such variance, including an assessment of how the variance may affect the safety of the installation;
- (e) refer to all applicable codes; and
- (f) include a list of supporting drawings and other documentation forming part of the design submission.

(4) Drawings shall,

- (a) be identified by a number and date in addition to the information required to be given under clauses (3) (a) and (b);
- (b) include layouts, plans and elevation views of the elevating device or parts thereof, and set out all information necessary to demonstrate conformance with this Regulation and the applicable codes;
- (c) include electric and hydraulic schematic diagrams indicating safety related circuitry and components and identifying the sequence of operation of the safety related components;
- (d) include a legend or a reference to a relevant code for all symbols used in the drawings;
- (e) be prepared in accordance with good engineering and drafting practices; and
- (f) be accurate and complete.

(5) All individual documents composing a design submission shall bear the signature and seal of the professional engineer who prepared or approved the design submission.

(6) A design submission for an elevating device shall include a statement bearing the seal and signature of the professional engineer who prepared or approved the submission stating that the whole design of the elevating device, including the parts and features not specifically identified in the design submission, are in compliance with the Act and this Regulation, except for any variances set out in the submission and in making such statement the professional engineer may rely on the opinion or information obtained from another professional engineer or an architect and may indicate in what respect he or she is so relying.

(7) Despite subsections (5) and (6), where a design submission for a material construction hoist, stair chair lift or vertical platform lift—Type D is not yet registered but is based on a previously registered standard design submission, all individual documents comprising the design submission may be signed by an officer or director of the company applying for registration where the officer or director is a mechanic.

(8) The Director may require such information in addition to that required under this Regulation with respect to a design submission as is necessary in his or her opinion to ensure that the design submission meets the requirements of the Act and the regulations. R.R.O. 1990, Reg. 316, s. 7.

8. (1) An applicant for registration of a design submission shall make the application on a form supplied by the Ministry and include with it,

- (a) four copies of the design submission or, in the case of a standard design submission, two copies; and
- (b) the appropriate fee prescribed in subsection (2).

(2) The following fees are prescribed for the purposes of this section:

1. Subject to paragraphs 2, 3, 4 and 5, in the case of a design submission for a new installation or major alteration, the fee set out in Column 4 of Table 1 opposite the class of elevating device applied for in Column 1.
2. In the case of a design submission that is based on a previously registered standard design submission, 50 per cent of the fee set out in Column 4 of Table 1 opposite the class of elevating device applied for in Column 1.
3. In the case of a design submission for a major alteration of an elevator, the fee set out in Column 4 of item 1 of Table 1.
4. In the case of a design submission for a major alteration of a construction hoist, the fee set out in Column 4 of item 3 of Table 1.
5. In the case of a design submission for a new installation or major alteration of an observation elevator or elevator serving on observation level referred to in subsection 34 (8) or (9), the fee set out in Column 4 of item 1 of Table 1.
6. In the case of a standard design submission, a revision to a design submission or a design submission for a minor alteration, the fee set out in Column 2 of Table 2 opposite the type of design submission applied for in Column 1. O. Reg. 542/96, s. 1.

9. Upon registration of a design submission, the Director shall send to the applicant,

- (a) a notice that the design submission has been registered;
- (b) two sets of the registered design submission, or in the case of a standard design submission, one set; and

(c) the installation number or registration number, as the case may be, that has been allocated to the elevating device or to the standard design submission. R.R.O. 1990, Reg. 316, s. 9.

10. Where a change is proposed to a registered design submission, no work shall be performed on the portion of the elevating device affected by the change until a design submission outlining the scope of the change with reference to the relevant parts of the registered design submission is prepared in accordance with sections 7 and 8 and registered. R.R.O. 1990, Reg. 316, s. 10.

11. (1) A design submission for a minor alteration—Type A in accordance with subsection 7 (2) shall be forwarded to the Director not later than five working days after completion of the minor alteration.

(2) Where a minor alteration—Type B is made to an elevating device the contractor shall not later than five working days after completion of the alteration notify the Director in writing of the alteration, stating that the parts added, replaced, or altered comply with the applicable codes and the notice shall contain sufficient design details necessary to demonstrate compliance with such codes. R.R.O. 1990, Reg. 316, s. 11 (1, 2).

(3) A contractor who is required to notify the Director of a minor alteration—Type B shall include with the notice the fee set out in item 8 of Table 2.

(4) If a laboratory or organization designated by a code or standard adopted in this Regulation is required by the code or standard to carry out an engineering test or certification of an elevating device component, the person who files the test or certification document with the Director shall include the fee set out in item 9 of Table 2. O. Reg. 542/96, s. 2.

12. (1) The fee for a preliminary review of an elevating device or any component of an elevating device or for an assessment of the acceptability of a requested variance from an adopted code is the amount set out in Table 2.

(2) If a service referred to in subsection (1) is performed on premises other than at the Technical Standards Division of the Ministry, the fee shall include the living expenses and travelling expenses of the inspector defined in section 34.

(3) If an official on behalf of the body responsible for administering this Regulation undertakes a preliminary review of an elevating device or any component of an elevating device or an assessment of the acceptability of a requested variance from an adopted code on premises other than those of the body responsible for administering this Regulation, the person for whom the service is being provided shall pay the official's living and travelling expenses as defined in section 34, in addition to the fee set out in Table 2. O. Reg. 542/96, s. 3.

CONTRACTORS

13. (1) An application for registration as a contractor or for renewal of that registration shall be on a form supplied by the Ministry and shall be accompanied by the fee set out in Table 3. O. Reg. 542/96, s. 4.

(2) It is a term and condition of registration as a contractor that,

- (a) the contractor shall be, or shall employ, a mechanic; and
- (b) the contractor, or a member of the contractor's supervisory staff, shall have full knowledge of the Act and this Regulation.

(3) An applicant for registration as a contractor shall supply such information to the Director as is necessary for the Director to determine whether the requirements of subsection (2) are met.

(4) Despite clause (2) (a), where the registration of a contractor is limited to the testing of elevating devices or parts thereof, the contractor

is exempt from the requirement of clause (2) (a) where the contractor is a professional engineer or has a professional engineer in the contractor's continuous employ.

(5) A registration as a contractor expires on the 31st day of March next following the date on which it was issued. R.R.O. 1990, Reg. 316, s. 13 (2-5).

14. (1) Every contractor that maintains an elevating device shall submit annually to the Ministry a list that contains data on the installation numbers, class and location of each elevating device that is maintained by the contractor together with information that indicates the scope of each maintenance contract.

(2) The list referred to in subsection (1) shall be based on the actual status at the end of the fifteenth day of January for the year to which the list relates and shall be submitted not later than the 28th day of February next following. R.R.O. 1990, Reg. 316, s. 14.

15. (1) No work shall be undertaken on an elevating device by a contractor unless it is performed by a mechanic or by a mechanic-in-training under the supervision of a mechanic.

(2) No person shall be involved in a task that is necessarily ancillary or incidental to the installation or maintenance of an elevating device unless he or she is supervised by a mechanic.

(3) No mechanic shall be assigned or undertake work beyond the scope of his or her experience or training. R.R.O. 1990, Reg. 316, s. 15.

INSTALLATION

16. (1) A contractor who installs or alters an elevating device shall, after the contractor has carried out a preliminary examination and is satisfied that all work is completed in accordance with the registered design submission and that the installation or alteration complies with the requirements of the Act and the regulations, notify the Director in a form provided by the Director that such is the case and arrange for an initial inspection of the elevating device.

(2) A contractor who installs a new elevating device or alters an existing elevating device shall, on completion of the work, supply to the owner of the elevating device a copy of the registered design submission. R.R.O. 1990, Reg. 316, s. 16.

17. (1) Each component identified in a design submission shall be readily identifiable on the actual installation.

(2) Each component of an elevating device the size, function and operating characteristics of which are not readily identifiable when installed on the elevating device shall bear a permanently affixed name plate indicating all the information needed to facilitate its replacement. R.R.O. 1990, Reg. 316, s. 17.

18. Where an alteration is made to an elevating device, the owner's copy of the registered design submission shall be amended by the contractor who made the alteration to reflect the changes made. R.R.O. 1990, Reg. 316, s. 18.

LICENCE FOR AN ELEVATING DEVICE

19. (1) An applicant for an initial or temporary licence for an elevating device or for a renewal of that licence shall submit an application on the form supplied by the Ministry together with the fee set out in Table 2. O. Reg. 542/96, s. 5.

(2) An initial licence for an elevating device shall be issued for a period not exceeding twelve months and expires on the date specified in the licence.

(3) A renewal of a licence for an elevating device shall be for a period of twelve months.

(4) A temporary licence for an elevating device that is issued by the Director shall be for a period that does not exceed six months. R.R.O. 1990, Reg. 316, s. 19 (2-4).

20. (1) A licensee shall notify the Director within ten days of a change in any particular noted on the licence.

(2) An owner of an elevating device who is not the licensee shall notify the Director within ten days of a change in the owner's name or address.

(3) Where a change is proposed with respect to the ownership of an elevating device, the owner shall notify the Director, before the proposed change takes place, of the details and the effective date of the change. R.R.O. 1990, Reg. 316, s. 20 (1-3).

(4) Subject to subsection (5), upon receipt of information described in subsection (3) and upon payment of the fee for the transfer of a licence set out in Table 2, the Director shall transfer or reissue the licence to the new owner. O. Reg. 542/96, s. 6.

(5) The Director shall not transfer a licence under subsection (4),

(a) where a seal is affixed to the elevating device under section 10 of the Act;

(b) while the licence is under suspension; or

(c) where there is any outstanding fee owing under this Regulation with respect to the elevating device. R.R.O. 1990, Reg. 316, s. 20 (5).

21. A licence for an elevator shall be posted by the owner in a prominent position in the load-carrying unit of the elevator and a licence for an elevating device other than an elevator shall be posted by the owner on or adjacent to the elevating device for which it is issued. R.R.O. 1990, Reg. 316, s. 21.

NOTICES

22. (1) Every elevating device shall have securely fastened to it, and conspicuously displayed, a notice indicating the maximum capacity and installation number of the elevating device,

(a) in the load-carrying unit of the elevating device; or

(b) where it is not practicable to fasten it on the load-carrying unit, as close as is practicable to the bottom loading area of the elevating device.

(2) The notice indicating the maximum capacity referred to in subsection (1) shall be supplied by the owner in the form of a plate, and shall set forth in letters and numerals not less than six millimetres in height,

(a) the words "maximum capacity";

(b) the number of persons allowed to use the elevating device or the total weight in kilograms allowed in the elevating device or both; and

(c) the word "persons" or the symbol "kg" or both, as the case may be.

(3) Where the maximum capacity of an elevating device has been determined both in terms of persons and kilograms, the notice referred to in subsection (2) shall include the alternative maximum capacities, with the word "or" between the capacities.

(4) The notice indicating the installation number referred to in subsection (1) shall be supplied by the Ministry, in the form of a plate or label, and shall set forth the installation number assigned by the Ministry to that elevating device. R.R.O. 1990, Reg. 316, s. 22 (1-4).

(5) The fee for a duplicate installation number referred to in subsection (4) is the fee set out in item 12 of Table 2. O. Reg. 542/96, s. 7.

(6) The notice indicating the maximum capacity and the notice indicating the installation number of the elevating device may be engraved on a single plate or on a control station board provided that the requirements of this section regarding content, size of letters and location of the notices are fulfilled. R.R.O. 1990, Reg. 316, s. 22 (6).

OPERATION AND MAINTENANCE

23. (1) Every owner of an elevating device shall ensure that the elevating device is not used or operated unless it is maintained by a registered contractor in accordance with the requirements of this section.

(2) The methods and intervals of maintenance of an elevating device shall be determined by the owner or by a contractor on behalf of the owner, on the basis of,

- (a) the inherent quality;
- (b) the manufacturer's or the manufacturer's agent's recommendations for maintenance; and
- (c) the frequency and method of usage,

of the elevating device.

(3) The maintenance of an elevating device shall include,

- (a) an inspection and examination at regular intervals of all parts and functions of the elevating device;
- (b) cleaning, lubricating and adjusting all parts of the elevating device at regular intervals, and the repairing or replacing worn or defective components, in order to prevent the elevating device from becoming unsafe for operation;
- (c) repairing or replacing damaged or broken parts;
- (d) in addition to those things required under clause (a), (b) or (c) such other examinations or work as is required by this Regulation, an applicable code or an inspector.

(4) The person carrying out the inspection referred to in clause (3)(a) shall be satisfied that the elevating device is in a safe operating condition and that the parts and functions will remain in a safe operating condition until the next scheduled inspection and examination.

(5) Where a part of an elevating device is replaced for any reason, the replacement part shall be at least equivalent to the original part as specified in the design submission or as supplied by the manufacturer of the original part.

(6) Despite subsections (1) and (3), jobs of a housekeeping nature in the load-carrying unit of or access areas to an elevating device may be performed by a person other than a registered contractor. R.R.O. 1990, Reg. 316, s. 23.

24. (1) Where maintenance is carried out on an elevator, dumb-waiter, elevating device for the handicapped or freight platform lift that is equipped with a safety device, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety device

and overspeed governor, where an overspeed governor is provided, in accordance with clauses B.1.4, B.1.5 and B.1.6 of the code referred to in section 38.

(2) Where the maintenance is carried out on an endless belt type manlift, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety brake to ensure compliance with clause 5.2.2.3 of the code referred to in section 49.

(3) Where the maintenance is carried out on a counter-balanced type or power type manlift, the maintenance referred to in subsection 23 (3) shall include an inspection and testing of the safety device and overspeed governor, where an overspeed governor is provided, to ensure compliance with clauses 6.11.3 or 7.6.8.2, as the case may be, of the code referred to in section 49.

(4) The inspection and tests required under subsections (1), (2) and (3) shall be carried out at intervals determined in accordance with subsection 23 (3), provided that such intervals are not longer than twelve months between the inspections or tests, as the case may be.

(5) A record of inspections and tests carried out under subsections (1), (2) and (3) shall be made in triplicate on forms supplied by the Ministry and one copy shall be posted in the machine room of the elevating device, one copy shall be kept on file by the contractor and one copy shall be kept on file by the owner and each such record shall be retained for a period of three years from the date of the inspection or test.

(6) Where the ownership of an elevating device changes, the records referred to in subsection (5) shall be transferred to the new owner. R.R.O. 1990, Reg. 316, s. 24.

25. Where a manufacturer or owner of an elevating device or a contractor discovers a defect in a part or component that is related to the safety of operation or usage of an elevating device and that part or component is replaced and as a result of the discovery the same part or component is replaced in other elevating devices because of a possible recurrence of the defect, then the manufacturer, owner or contractor, as the case may be, shall forthwith notify the Director, in writing, stating the nature of the defect and any actions taken to date with respect to the part or component. R.R.O. 1990, Reg. 316, s. 25.

26. Every owner of an elevating device shall ensure that,

- (a) there is clear access to the elevating device;
- (b) there is a safe and convenient access to the machine room of the elevating device regardless of weather conditions;
- (c) the machine room and any part of the elevating device that may be hazardous is closed, locked or otherwise made inaccessible to the public;
- (d) the keys required for access to the machine room and other locked parts of the elevating device are readily available at the location of the installation to an inspector or a member of the police or fire department or other person who may be involved in an emergency where the elevating device is located;
- (e) a list of persons to be called in case of an equipment or power failure, accident, or any other emergency involving the elevating device is readily available at the location of the installation;
- (f) a copy of the registered design submission for the elevating device is readily available to an inspector; and
- (g) on the transfer of ownership of an elevating device a copy of the registered design submission is delivered to the new owner. R.R.O. 1990, Reg. 316, s. 26.

27. Every owner of a passenger elevator that is located in an apartment or office building shall ensure that,

- (a) in addition to the list required under clause 26 (e) the name and telephone number of the contractor maintaining the elevator, together with the scope and expiry date of the contract covering the maintenance of the elevator; and
- (b) the location of the keys required to be available under clause 26 (d),

are posted inside the firehose cabinet located closest to the main front entrance of the apartment or building. R.R.O. 1990, Reg. 316, s. 27.

28. (1) In addition to those requirements set out in sections 45, 63 and 69 with respect to attendants or operators, where in the opinion of the Director it is necessary for an elevating device to have one or more attendants or operators to ensure the safety of persons riding or having access to the elevating device, the owner shall ensure that such attendants or operators are stationed at appropriate locations in or about the elevating device.

(2) In addition to those requirements set out in subsection (1) and sections 45, 63 and 69, where an elevating device is powered by a driving unit or equipped with operating devices that are not automatically rendered inoperative should an unsafe condition for operation of the elevating device exist, the owner shall ensure that while the elevating device is in operation, it is supervised and operated by an operator who is stationed at the driving unit of the elevating device or at some other appropriate location. R.R.O. 1990, Reg. 316, s. 28.

29. (1) Every attendant or operator shall have such knowledge of and experience in operating or attending the elevating device that,

- (a) he or she is able to attend or operate the elevating device safely without supervision; and
- (b) he or she is aware of the hazardous situations that are likely to occur with respect to persons using the elevating device or to materials being carried on it.

(2) Every person learning to be an attendant or operator shall obtain the experience referred to in subsection (1) and perform his or her duties only under the personal supervision of an experienced attendant or operator, as the case may be, a mechanic, or other person having thorough knowledge and experience in the attending or operation of an elevating device and who is aware of the hazards connected therewith. R.R.O. 1990, Reg. 316, s. 29.

30. An attendant shall,

- (a) only be responsible for the safe operation and use of the elevating device that is within the scope of his or her employment;
- (b) be stationed (in close proximity to the elevating device) in a location designated by the owner of the elevating device;
- (c) ensure that persons and materials move with safety to or from the elevating device in the area that is under his or her supervision;
- (d) ensure that all doors or gates are closed or other safety measures are taken, as the case may be, before the elevating device is operated or a signal is given to an operator to operate it; and
- (e) not operate the elevating device, knowing or having reason to believe that the maximum capacity as shown on the licence is exceeded, except where he or she is assisting in the testing of the elevating device. R.R.O. 1990, Reg. 316, s. 30.

31. An operator shall,

- (a) be responsible for the safe operation of the driving unit of the elevating device that he or she is operating;
- (b) not operate the driving unit unless he or she has been given a signal by an attendant to operate it or is otherwise satisfied that all doors or gates are closed, the device is not overloaded and that all safety measures have been taken to ensure the safe operation of the elevating device;
- (c) be satisfied each day that the elevating device that he or she is operating is safe for normal operation before operating it on that day; and
- (d) not leave the driving unit unattended without taking measures to prevent the unauthorized use of the elevating device. R.R.O. 1990, Reg. 316, s. 31.

INSPECTIONS

32. (1) In this section and sections 16 and 34,

“follow-up inspection” means an inspection by an inspector that is made after a periodic inspection or special inspection where that inspection reveals that the elevating device does not conform to the requirements of the Act and this Regulation;

“initial inspection” means an inspection by an inspector of a newly installed or altered elevating device made under section 15 of the Act;

“periodic inspection” means an inspection by an inspector of an elevating device that is made under section 27 of the Act;

“special inspection” means an inspection by an inspector,

- (a) following a complaint, accident, fire or similar occurrence,
- (b) under clause 6 (1) (a) or (g) of the Act,
- (c) following any minor alteration of an elevating device;

“subsequent inspection” means an inspection by an inspector that is made subsequent to an initial inspection where the initial inspection reveals that the elevating device does not conform to the requirements of the Act and this Regulation. R.R.O. 1990, Reg. 316, s. 32 (1); O. Reg. 439/96, s. 9; O. Reg 542/96, s. 8.

(2) The fee on an inspection shall be paid and the labour, test load, measuring and other devices required to carry out the inspection shall be provided by,

- (a) in the case of an initial inspection or subsequent inspection, the contractor who installed or altered the elevating device;
- (b) in the case of any other inspection, the owner of the elevating device. R.R.O. 1990, Reg. 316, s. 32 (2).

33. (1) An inspector may, following an inspection, require that a part of an elevating device be sealed to prevent readjustment thereof.

(2) No person shall remove a seal affixed under subsection (1) without the permission of an inspector. R.R.O. 1990, Reg. 316, s. 33.

34. (1) In this section,

“living expenses” means reasonable charges for sleeping accommodation and meals while on duty away from home;

“travelling expenses” means reasonable charges incurred for transportation,

- (a) to the place where the inspection is to be made, and
- (b) from the place where the inspection is made to the place where the next inspection is to be made, or to the inspector's office, as the case may be. R.R.O. 1990, Reg. 316, s. 34 (1).

(2) Except where otherwise indicated in this section, the fees to be paid on an initial or subsequent inspection of an elevating device are those fees set out in Column 2 of Table 1 set out opposite the type of elevating device being inspected in Column 1.

(3) Except where otherwise indicated in this section, the fee to be paid on a periodic inspection of an elevating device is that fee set out in Column 3 of Table 1 set out opposite the type of elevating device in Column 1.

(4) The fee on a special inspection of an elevating device set out in Column 1 of Table 1 is the basic fee set out opposite thereto in Column 3.

(5) Where a special inspection takes place because of a complaint, accident, fire or similar occurrence, the fee prescribed in subsection (4) shall only be charged where the inspector has determined that the owner has failed to comply with the requirements of the Act and regulations.

(6) Subject to subsection (7), the fee on a follow-up inspection for an elevating device set out in Column 1 of Table 1 is 50 per cent of the basic fee set out opposite thereto in Column 3.

(7) Where a follow-up inspection reveals that an inspector's orders have not been completed within the time specified by the inspector or where new orders are given, the fee on a follow-up inspection for an elevating device set out in Column 1 of Table 1 is the basic fee set out opposite thereto in Column 3.

(8) The applicable fee for an inspection of an observation elevator having travel in excess of 30 metres and having fewer than eight entrances is that set out in Table 1.

(9) The applicable fee for an inspection of an elevator designed to travel directly from ground level to an observation level and having travel in excess of 30 metres is that set out in Table 1.

(10) If an inspection is unduly delayed or prolonged by reason of an owner failing to comply with a requirement of clause 6 (1) (c) or (d) of the Act, the owner shall pay,

- (a) the additional fee set out in item 7 of Table 2; and
- (b) all travelling expenses and living expenses, if any, necessarily incurred by the inspector in connection with the inspection by reason of the delay or prolongation.

(11) Where an inspection is performed by reason of a previously issued order and is specially arranged to suit an owner's or contractor's schedule, the inspector's travelling expenses and living expenses shall be paid in addition to any fee owing under this section. O. Reg. 542/96, s. 9 (1).

(12) The fee for a copy of an inspection report or other document is the fee set out in item 5 of Table 2. R.R.O. 1990, Reg. 316, s. 34 (12); O. Reg. 542/96, s. 9 (2).

34.1 (1) The fees prescribed in Tables 1, 2 and 3 are payable under the Act and this Regulation. O. Reg. 439/96, s. 11; O. Reg. 542/96, s. 10 (1).

(2) A fee set out in Table 1, 2 or 3 that is expressed as an amount per hour is payable on the basis of each quarter hour or part of a quarter hour that the person charging the fee spends, subject to the minimum set out in that Table. O. Reg. 542/96, s. 10 (2).

PART II GENERAL TECHNICAL REQUIREMENTS

35. (1) The welding of a steel structure on an elevating device shall meet the requirements of CSA Standard W59-1984, Welded Steel Construction (Metal Arc Welding).

(2) The welding of a steel structure on an elevating device shall be undertaken by a fabricator or contractor qualified to the requirements of CSA Standard W47.1-1983, Certification of Companies for Fusion Welding of Steel Structures.

(3) The field welding of piping and fittings on an elevating device shall meet the requirements of CSA Standard B51-M1981, Code for the Construction and Inspection of Boilers and Pressure Vessels. R.R.O. 1990, Reg. 316, s. 35.

36. The machine for an elevating device shall be,

- (a) capable of safely lifting the car loaded to its maximum capacity at designed rated speed;
- (b) securely fastened to its foundation to prevent it from being moved from its fixed position;
- (c) when powered by an internal-combustion engine, arranged so as to discharge the exhaust vertically to the outdoors and not to endanger the safety of any person; and
- (d) guarded where necessary to prevent injury to persons from gears, shafts and other hazardous equipment. R.R.O. 1990, Reg. 316, s. 36.

37. Where clips are permitted to fasten metal rope in an elevating device,

- (a) the minimum number of clips to be used on each rope end shall be,
 - (i) two clips for rope under nine millimetres in diameter,
 - (ii) three clips for rope nine millimetres in diameter and over but under sixteen millimetres in diameter,
 - (iii) four clips for rope sixteen millimetres in diameter and over but under nineteen millimetres in diameter;
- (b) the rope end shall be bent over a heart-shaped thimble that has a groove of a radius equal to that of the rope or shall be provided with equivalent protection satisfactory to the Director;
- (c) the clips shall be spaced at a distance apart equal to six times the rope diameter and not closer than four times the rope diameter from the short end of the rope;
- (d) U-type clips shall be placed so that the U bolts bear on the short or dead end of the rope and the bases bear on the load part of the rope; and
- (e) the nuts on the clips shall not be fully tightened until after the rope has been under load and all nuts shall be fully tightened while the rope is still loaded. R.R.O. 1990, Reg. 316, s. 37.

PART III
ELEVATORS, DUMBWAITERS, ESCALATORS,
MOVING WALKS AND FREIGHT PLATFORM LIFTS

38. (1) Every elevator, dumbwaiter, escalator, moving walk and freight platform lift shall meet the requirements of National Standard of Canada CAN3-B44-M85: Safety Code for elevators.

(2) For the purpose of this Regulation, in National Standard of Canada CAN3-B44-M85,

“rated load” means “maximum capacity”. R.R.O. 1990, Reg. 316, s. 38.

39. Despite subsection 3 (2), rope clip fastenings shall not be used when suspension ropes are changed on an existing elevator. R.R.O. 1990, Reg. 316, s. 39.

40. Every elevator shall have a safe and convenient access to its machine room and machinery space, and such access shall not lead through any part of the hoistway. R.R.O. 1990, Reg. 316, s. 40.

41. (1) Despite subsection 3 (2), every passenger elevator and freight elevator shall meet the requirements of clauses 3.7, 3.8, 3.10.8 and 3.12.2.17 of the code referred to in subsection 38 (1).

(2) Freight elevators installed before the 1st day of May, 1981 that do not meet the requirements of clause 2.12.2 or 2.12.3 shall meet the requirements of clause 2.12.3. R.R.O. 1990, Reg. 316, s. 41.

42. (1) Every existing passenger elevator in an apartment building or educational institution and every new passenger elevator shall be provided at the entrance side of its car platform with a smooth apron made of metal not less than 1.5 millimetres thick, or made of material of equivalent strength and stiffness, reinforced and braced to the car platform such that,

- (a) it does not extend less than the full width of the widest hoist-way door opening;
- (b) it has a straight vertical face, extending below the floor surface of the car-platform, of not less than 1,200 millimetres, except that for an existing elevator this may be reduced where the hoisting pit is not deep enough to accommodate a larger vertical face;
- (c) its lower portion is bent back at an angle not less than 60 degrees and not more than 75 degrees from the horizontal;
- (d) it is securely braced and fastened in place to withstand a constant force of 500 newtons applied at right angles to and,
 - (i) at 450 millimetres from the top without deflecting more than six millimetres, or
 - (ii) at 1,150 millimetres from the top without deflecting more than fifty millimetres,

and without permanent deformation.

(2) Every passenger elevator referred to in subsection (1) shall have a pit deep enough to accommodate the apron required in subsection (1), and to provide a minimum twenty-five millimetres clearance between the bottom edge of the apron and the pit floor when the car is on fully compressed buffers. R.R.O. 1990, Reg. 316, s. 42.

43. No elevator shall be operated where it is located adjacent to a hoistway of another elevating device in which installation or alteration work is being performed and where the operation of the elevator may be hazardous to the persons performing the work, unless the hoistways are separated from the bottom to a level a minimum of 2,000 millimetres above the point where the work is being performed by unperforated

material so supported and braced that when subjected to a force of 450 newtons applied horizontally at any point the deflection does not exceed twenty-five millimetres. R.R.O. 1990, Reg. 316, s. 43.

44. Every passenger elevator and freight elevator shall have its installation number engraved or painted on the car cross-head visible from the main entrance. R.R.O. 1990, Reg. 316, s. 44.

45. Where an existing elevator is controlled from one location only, an attendant shall be stationed at the controls while the elevator is available for operation. R.R.O. 1990, Reg. 316, s. 45.

46. (1) No person other than an attendant or a designated freight handler or both or more than one of each of them shall ride or be permitted to ride in a freight elevator.

(2) No person other than an attendant or a designated freight handler shall ride or be permitted to ride in a freight platform lift—Type B.

(3) No person shall ride or be permitted to ride on a freight platform lift—Type A. R.R.O. 1990, Reg. 316, s. 46.

47. Where the maximum bottom counterweight runby is restricted in an elevator design submission to less than 900 millimetres, the following sign, with letters at least twenty-five millimetres in height, shall be attached to or printed on the hoistway wall in the vicinity of the counterweight buffers of the elevator: “Warning maximum bottom counterweight runby is”. R.R.O. 1990, Reg. 316, s. 47.

48. Despite subsection 3 (2), every escalator shall be fitted with a caution sign that meets the requirements of clause 8.10 of the code referred to in subsection 38 (1). R.R.O. 1990, Reg. 316, s. 48.

PART IV
MANLIFTS

49. Every manlift shall meet the requirements of CSA Standard B311-M1979, Safety Code for Manlifts and Supplement No. 1-1984 to the said code. R.R.O. 1990, Reg. 316, s. 49.

50. Every power type manlift shall be provided with,

- (a) a top-of-car operating device; and
- (b) a protective guard railing on the top of the car. R.R.O. 1990, Reg. 316, s. 50.

51. No person shall use a manlift except those persons designated by the owner of the manlift as being properly trained in its operation and use. R.R.O. 1990, Reg. 316, s. 51.

PART V
PASSENGER ROPEWAYS

52. Every passenger ropeway shall meet the requirements of National Standard of Canada CAN3-Z98-M78 Passenger Ropeways and Supplement No. 1-1984 to the said standard. R.R.O. 1990, Reg. 316, s. 52.

53. Every passenger ropeway shall be so constructed and installed that the failure of any single, magnetically operated switch, contactor containing metal-to-metal contacts or relay to release does not prevent the passenger ropeway from stopping in response to an emergency device nor permit the passenger ropeway to start or run if any emergency stopping device is activated. R.R.O. 1990, Reg. 316, s. 53.

54. (1) Every owner of a passenger ropeway shall keep a log book in the form supplied by the Ministry, that shall be readily available to an inspector and to other persons designated by the owner.

- (2) The log book referred to in subsection (1) shall include at least,

(a) a daily operation and maintenance record; and

(b) non-destructive testing, inspection, and maintenance records of chair grips, chair hangers, and ropes.

(3) The log book shall be retained at the location of the passenger ropeway for a period of,

(a) at least two years for records referred to in clause (2) (a); and

(b) at least ten years for records referred to in clause (2) (b). R.R.O. 1990, Reg. 316, s. 54.

55. In addition to the signs required by the code referred to in section 52, the following signs shall be erected with a minimum of 100 millimetres in height and eleven millimetres in width for each letter:

1. "NO ADMITTANCE", at the entrance to every machine area.
2. "TOW GRIPPERS PROHIBITED", at the loading area of every rope tow.
3. "RAISE SAFETY BAR", at the approach to the unloading area of every chair lift.
4. "EMERGENCY STOPPING DEVICE", at every emergency stopping device, including safety gates. R.R.O. 1990, Reg. 316, s. 55.

56. Every person who is wearing skis and who is using a rope tow, bar lift or chair lift shall be equipped with,

(a) safety straps between each boot and the ski fastened thereto; or

(b) skis that have arresting devices installed on the skis to prevent the runaway of a ski should a ski binding release. R.R.O. 1990, Reg. 316, s. 56.

57. (1) Every bar lift and rope tow shall,

(a) be equipped with an anti-rollback device located on the drive or return bullwheel;

(b) be so designed and maintained that a skier can be transported to the extreme limits of travel without losing contact with the ground or snow surface, including the distance between the safety gate and the point where an unloaded rope stops following activation of the safety gate;

(c) be so constructed that when an emergency stop control is actuated, the hauling rope does not coast more than 75 per cent of the minimum spacing of passengers on the tow or lift;

(d) be so constructed that, where a brake is used in order to obtain conformance with the requirement of clause (c) and the code referred to in section 52, the brake shall,

(i) be electrically released,

(ii) be applied automatically when the power source is removed, and

(iii) not be connected across the armature or field of a direct current driving motor.

(2) A return rope of a fibre rope tow may be carried on sheaves over the uphill ski track provided the rope is prevented from jumping out of the sheaves by guards and is kept out of the skier's reach. R.R.O. 1990, Reg. 316, s. 57.

58. (1) Every chair lift or gondola lift shall,

(a) have a service brake that is located so that there is no clutch, V-belt or chain drive or similar device between the brake and the driving bullwheel;

(b) be so equipped that the auxiliary internal combustion engine that drives the circulating rope is rendered inoperative should a tower or any other safety stop switch or gate be actuated; and

(c) be equipped with a readily available service and inspection platform carrier and that is equipped with a two-way radiophone or an alternative equivalent system acceptable to the Director.

(2) The engine referred to in clause (1) (b) shall be tested each day prior to the operation of the chair lift or gondola lift, as the case may be.

(3) Where a platform carrier referred to in clause (1) (c) is affixed to a lift line by means of rope grips that use friction as a gripping method, clamping devices shall be installed in front and behind the grip of the platform carrier.

(4) A clamping device referred to in subsection (3) shall be so designed so as not to cause any damage to the hauling rope sheave, bullwheel or the liners of the sheave or bullwheel. R.R.O. 1990, Reg. 316, s. 58.

59. Each chair of a chair lift shall be equipped with a safety restraining bar that will not release without a positive action by a passenger when the safety restraining bar is closed. R.R.O. 1990, Reg. 316, s. 59.

PART VI CONSTRUCTION HOISTS

60. (1) Subject to subsection 3 (2), every construction hoist shall comply with the following codes except that where a provision of a code is inconsistent with the Act and this Regulation the provisions of the Act and this Regulation shall prevail:

1. Workers' rail-guided construction hoist, CSA Standard Z 185—1975, Safety Code for Personnel Hoists, including revisions No. 1 to 7—1977 and revisions No. 8 to 31—1979.
2. Workers' rope-guided construction hoist, American National Standard ANSI A 10.22—1977, Safety Requirements for Rope-guided and Non-guided Workers' Hoist.
3. Material construction hoist, CSA Standard Z 256—1972, Safety Code for Material Hoists, including revisions No. 1 to 19—1974, and revision No. 20—1977, and revisions No. 21 to 32—1979.

(2) For the purpose of this Regulation,

"rated load" or "rated loading" in the codes referred to in subsection (1) means "maximum capacity". R.R.O. 1990, Reg. 316, s. 60.

61. (1) Every construction hoist shall be so designed that the car movement in both the up and down directions is continuously controlled by power.

(2) A material construction hoist that is equipped with a broken-rope type safety shall not be licensed unless a type test indicates that the safety is capable of stopping the car when it is free falling with its rated load.

(3) Subsection (1) does not apply to a hoist that is equipped with a load-carrying unit in the form of a bucket. R.R.O. 1990, Reg. 316, s. 61.

62. (1) Where the load-carrying unit of a workers' rope-guided construction hoist passes through a restricted area at a platform or floor, a control device that positively and automatically lowers the speed of the

load-carrying unit to that specified in the related design submission while the load-carrying unit passes through the restricted area shall be installed on the hoist except where the design submission indicates that no speed limitation is required.

(2) In lieu of the control device referred to in subsection (1), an operator utilizing a system of signals may be used to manually control the speed of the hoist. R.R.O. 1990, Reg. 316, s. 62.

63. (1) Every workers' rail-guided construction hoist, shall while in operation, be attended by an attendant who shall be stationed in the load-carrying unit, and who shall operate the construction hoist and also supervise the loading, passage and unloading of persons and freight.

(2) Every material construction hoist shall while in operation be,

(a) attended by one or more attendants stationed at each location where freight is being loaded or unloaded; and

(b) operated by,

(i) an attendant stationed at the location of the operating devices, provided that the operating devices can be automatically rendered inoperative should any unsafe condition for operation of the construction hoist exist, or

(ii) an operator stationed at the driving unit, where the driving unit and its operating devices cannot automatically be rendered inoperative should an unsafe condition for operation of the construction hoist exist.

(3) Subsections (1) and (2) apply with necessary modifications to the providing of attendants and operators for workers' rope-guided construction hoists. R.R.O. 1990, Reg. 316, s. 63.

PART VII

ELEVATING DEVICES FOR THE HANDICAPPED

64. Every elevating device for the handicapped shall comply with National Standard of Canada CAN3-B355-M81, Safety Code for Elevating Devices for the Handicapped. R.R.O. 1990, Reg. 316, s. 64.

65. (1) Every owner of a vertical platform lift—Type D and every owner of a stair platform lift—Type D or stairchair lift shall ensure that the public does not have access to the area where the lift is installed while the lift is in operation.

(2) Subsection (1) does not apply in the case of a stair platform lift—Type D or stairchair lift where,

(a) the owner of the lift is able to control and identify persons who will be using the lift or the area where the lift is installed and the owner familiarizes those persons in advance of using the area or lift with the safety rules and procedures concerning the use of the area and the lift; and

(b) the lift meets the requirements of section 69. R.R.O. 1990, Reg. 316, s. 65.

66. The owner of an elevating device for the handicapped shall ensure that,

(a) the device is used primarily for the transportation of handicapped persons;

(b) the operation of the device is restricted to attendants designated by the owner or those persons who in the opinion of the owner are able to use the device without an attendant; and

(c) the persons using the device receive instruction and training that emphasizes the hazards associated with improper use of the device. R.R.O. 1990, Reg. 316, s. 66.

67. (1) The operation of the load carrying unit of an elevating device for the handicapped shall be by means of a key-control for the operating device as set out in subsection (2) or by a method acceptable to the Director that provides the same degree of safety.

(2) A key-control for an operating device may be by means of an on/off lockable switch located near and controlling one or more operating devices or each operating device may be directly key-controlled.

(3) The key for a key-control for an operating device shall be removable only when the switch is in an "off" position. R.R.O. 1990, Reg. 316, s. 67.

68. Every owner of an elevating device for the handicapped that serves a building or part thereof that may be frequented by persons not previously designated by the owner shall,

(a) establish a procedure that will enable a handicapped person to gain access to and use the device; and

(b) ensure that an attendant is available to operate the device when a handicapped person not designated by the owner under clause 66 (b) requires use of the device. R.R.O. 1990, Reg. 316, s. 68.

69. Where a stair platform lift—Type D or stairchair lift is being operated at the same time that other persons are using the area in which the lift is installed,

(a) audio-visual signals shall be emitted that can be heard by persons using the lift and by persons in the area where the lift is installed until the lift is parked in a safe position at a terminal; and

(b) every leading edge or surface of that portion of the lift and its carriage that carries the passengers in both directions of travel shall be equipped with sensitive devices that meet the requirements of clause 7.5.4 of the code referred to in section 64 and that are operational whenever the carriage is in motion. R.R.O. 1990, Reg. 316, s. 69.

70. (1) A person shall only operate a vertical platform lift—Type D, a stair platform lift—Type D or a stairchair lift if the person is satisfied that only persons using the lift have access to the area where the lift is installed.

(2) Subsection (1) does not apply to a person operating a stair platform lift—Type D or a stairchair lift while other persons are using the area in which the lift is installed where,

(a) the conditions set out in subsection 65 (2) exist;

(b) the person operating the lift is an attendant and has, while operating the lift in the folded down position, a clear view of the lift runway in the direction of its movement by walking along with the carriage while it is in motion or has by being stationed at a point, a clear view of the runway;

(c) the person using the lift has, while using the lift, a clear view of the lift runway in the direction of travel; and

(d) the audio-visual signals required under clause 69 (a) are operational. R.R.O. 1990, Reg. 316, s. 70.

71. (1) A notice that the use of an elevating device for the handicapped is restricted to handicapped persons shall be posted at each location of a device, at landing or runway entrances of the device and at the load carrying unit of the device.

(2) The procedure required under clause 68 (a) shall be posted in the form of a notice at the entrance to the building to which it applies or, where the elevating device is readily accessible, at the location of the elevating device.

(3) Where an attendant is required for an elevating device under clause 68 (b) and an attendant is not permanently stationed at the location of the elevating device, a notice shall be posted at the entrance to the elevating device that indicates the procedure to be followed to obtain assistance.

(4) Where subsection 70 (2) applies, a notice shall be posted at the entrance to the elevating device that cautions the user to observe the lift runway for possible obstructions.

(5) The notice referred to in subsection (4) shall where a full view of the entire lift runway is restricted indicate that the operation of a folded down carriage is not permitted. R.R.O. 1990, Reg. 316, s. 71.

72. (1) In addition to those requirements set out in sections 7 and 8, the design submission for an elevating device for the handicapped shall include a detailed report completed on a form supplied by the Ministry from the person who intends to have the elevating device installed, in which the proposed methods of compliance with sections 65 to 69 shall be described.

(2) Where there is a change in the ownership of an elevating device for the handicapped or a substantive change in the type of occupancy of a building in which an elevating device for the handicapped is installed, the owner of the elevating device shall submit to the Director a detailed report on a form supplied by the Minister in which the proposed methods of compliance with sections 65 to 69 shall be described. R.R.O. 1990, Reg. 316, s. 72.

TABLE 1

FEES

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
		Initial and Subsequent Inspections	Other Inspections	Design Submission for New Installation or Major Alteration
1.	Elevator, other than an inclined elevator, serving 10 floors or less (basic); plus item 2	\$230.00	\$120.00	\$230.00
2.	Elevator, other than an inclined elevator, for each additional floor served exceeding 10 floors	18.00		20.00
3.	Construction Hoist—10 entrances or less and 30 metres of mast or tower (basic); plus items 4 & 5	230.00		230.00
4.	Construction Hoist—for each additional 3 metres or part thereof of mast or tower	3.00	120.00	3.00
5.	Construction Hoist—for each entrance over 10 entrances	18.00		--
6.	Escalator, manlift, moving walk, stage-lift (per section)	230.00	120.00	230.00
7.	Elevating Devices for the Handicapped	150.00	120.00	210.00
8.	Freight Platform Lift, Rope Tow, Dumbwaiter	200.00	120.00	230.00
9.	i. Chair Lift—up to and including 10 towers; plus item 11 ii. Gondola Lift—up to and including 10 towers; plus item 11 iii. Reversible Ropeway—up to and including 10 towers; plus item 11 iv. Funicular Railway—up to and including 10 towers; plus item 11	600.00	120.00	575.00
10.	i. Bar Lift—up to and including 10 towers; plus item 11 ii. Inclined Elevator	350.00	120.00	350.00
11.	For each tower in excess of 10 towers	35.00	120.00 (see Note)	35.00
12.	Special installation—per person, per hour (minimum two hours)	90.00	120.00	120.00

NOTE: Does not apply with respect to Items 9 and 10.

O. Reg. 542/96, s. 12.

TABLE 2

FEES

ITEM	COLUMN 1	COLUMN 2
1.	Registration of a design submission for a revision subsequent to initial registration for one elevating device	\$115.00
2.	Registration of a design submission for a standard design submission, new	500.00
3.	Registration of a design submission for a standard design submission, revised	250.00
4.	Registration of a design submission for a minor alteration for one elevating device	250.00
5.	Copy of an Inspection report or other document	40.00
6.	Inspection Status Summary (covering up to six devices at one location)	70.00
7.	Excess time charge for delaying or prolonging inspection, (per person, per hour, minimum one hour)	90.00
8.	Filing of notification of a minor alteration—Type B	60.00
9.	Filing of a certification or an engineering test report of an elevating device component	400.00
10.	Preliminary review of the design of an elevating device or component, including an assessment of acceptability for a variance from adopted codes (per person, per hour)	120.00
11.	On an application for a licence for an elevating device or a renewal of the licence	110.00
12.	For a duplicate installation number under subsection 22 (4)	60.00
13.	Transfer or reissue of a licence	60.00
14.	Issuance of a temporary licence	400.00

O. Reg. 542/96, s. 12.

TABLE 3

FEES—CONTRACTOR'S REGISTRATION

ITEM	COLUMN 1	COLUMN 2
1.	Initial registration as an elevating device contractor	\$535.00 per class
2.	Renewal of registration as an elevating device contractor	\$325.00 per class
3.	Initial/Renewal registration as a limited scope contractor (see Note)	\$325.00 per class
4.	Application by an owner for initial registration to maintain elevating devices owned by the contractor	\$20.00 per device (minimum \$80.00) to a maximum of \$535.00
5.	Application by an owner for renewal registration to maintain elevating devices owned by the contractor	\$20.00 per device (minimum \$80.00) to a maximum of \$325.00
6.	Registration fee for a consultant to permit testing elevating devices regardless of number of classes	\$440.00

NOTE: A contractor's registration is limited in scope when it is limited to specific functions.

O. Reg. 542/96, s. 12.

Schedule REVOKED: O. Reg. 542/96, s. 11.

